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NOVEMBER MEETING, 1899.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the President, CHARLES FRANCIS ADAMS, LL.D., in the chair.

The record of the last meeting was read and approved; and the Librarian read the monthly list of donors to the Library.

Mr. Charles Pickering Bowditch, of Boston, was elected a Resident Member.

The President reminded the Society that it was the purpose of the American Historical Association to hold their next annual meeting in Boston, and reported from the Council the following recommendation, which was adopted:—

Voted, That Messrs. Wendell, on the part of the Council, and A. L. Lowell and A. C. Coolidge, at large, be a Committee to represent the Society and make all necessary arrangements on its behalf for the meeting of the American Historical Association to be held in this city December 27th next.

The President further stated that by the recent death of the widow of our late associate Rev. Robert C. Waterston, the large and very valuable library given to the Society by Mr. Waterston's will had come into the possession of the Society; and it was

Voted, That the matter of arranging and providing for the Waterston Library be referred to the Council with full powers.

On the recommendation of the Council, it was voted that the name of the Rt. Hon. Sir George Otto Trevelyan, Bart., D.C.L., be transferred from the list of Corresponding Members to the list of Honorary Members.

The PRESIDENT then announced the death of Mr. John C. Ropes, a Resident Member, and said:—

Our associate John Codman Ropes died at his house in Boston shortly after the midnight of Friday and Saturday, the

28th and 29th ult. His brief illness dated from the previous Monday only. I make this announcement with a deep sense of personal loss, — the sense of a loss which can never be made good. I shall call upon others to pay tribute to him, — I cannot say others who have known him longer or even better than myself, or who prized his friendship more highly; for I have known him since college days, close upon half a century ago, and known him well, and there were few indeed whose friendship I prized more highly. But I was not so fortunate as to be a member of the Class of 1857, or his professional brother. Our associate Solomon Lincoln was his classmate and familiar college friend; and another of our associates and he lived long together in the daily contact of partners. It is fitting that these two should now put on lasting record in our Proceedings their estimate of the man and of his work. I shall therefore confine myself to the announcement of his death, claiming only the friend's privilege of a few passing words.

Mr. Ropes had been a member of our Society for more than nineteen years, having been elected at the June meeting of 1880, while Mr. Winthrop was still its President. Our friend Dr. Green, now our Dean, then stood thirty-second on the roll; and, in the years which have since intervened, Mr. Ropes rose almost exactly to the position which Dr. Green held when Mr. Ropes was elected. At the time of his death the latter stood thirty-first in the order of our seniority. Though deeply interested and very eminent in his particular branch of historical research, Mr. Ropes, greatly to our loss, never made himself essentially part and parcel of this Society, or participated with any regularity in its proceedings or its work. The reason was not far to seek. He was absorbed in another Society, not dissimilar in character, the Military Historical Society of Massachusetts, which he originated and of which he was the soul, and which, in his judgment, had greater claims upon him. Our loss was its gain; but none the less for us a loss much to be deplored. Had it so chanced that Mr. Ropes had identified himself exclusively with our organization and our field of work, — associating himself with us and it, — he would have proved one of the most valuable and fruitful additions ever made to our number; for, a hard worker, he also was essentially what Dr. Johnson called “a clubbable man.” As such, he would have communicated to us a distinct

impetus long perceptible. As it was, we saw him only occasionally at our meetings, and heard from him far less frequently than we wished. The last time he attended was on the 13th of April of this year, when he did me the compliment to come that he might listen to the address I was that day to deliver; and it is now matter of no little satisfaction to me that it then came in my way to make an allusion to him and his reputation as a military critic, which the audience appreciated in a hearty fashion which gave him a pleasure he did not hesitate to show. Otherwise, through his eighteen years of membership, we have seen him chiefly when tribute was to be rendered to some member who had done service in the Rebellion, or when a military theme was understood to be likely to come under discussion. He thus paid tributes to Generals Palfrey, Devens, and Walker; of the first two of whom, also, he prepared memoirs, published in our Proceedings. In 1887 he also furnished a memoir of the late John C. Gray. He served twice on the Committee annually appointed to nominate officers; and, at the time of his death, was a member of the Committee on Historical Manuscripts.

It only remains for me to say a few words of a friend. John Ropes—for in this connection I cannot call him Mr. Ropes, or refer to him formally as “our associate”—was as genuine, as individual a man as it has been my good fortune to meet in life,—in character supremely attractive. He was a man not easy to portray. There was about him something unexpected. He was *sui generis*, in mind as in body. The most manly of men, he was also at times childlike in his frank, outspoken simplicity. In him the social side was strongly developed. He loved to talk; he delighted in the club and the dinner-table; he was hospitable to a degree; he was kind and sympathetic and thoughtful of others. Delightfully illogical, a keen critic in his way, despising cant and pretence,—outspoken, courageous, straightforward,—he was also religious, though in a characteristic way. In no degree what is best described as fervid or pious, he had been an interested student of theology, and loved to discuss its problems. Very tolerant of difference, he himself felt the need of fixedness in faith; and yet he early craved something wider and richer in expression and sympathy than the creeds native to New England in which he had been nurtured. He accord-

ingly identified himself with that broader Episcopacy to which he afterwards devoutly and conscientiously adhered. His was no inanimate or abstract religion. Living in an atmosphere of agnosticism, he was no agnostic. Quite otherwise, indeed. But I do not know that his character in these respects, which all who knew him well felt, was ever more clearly and, I may add, touchingly revealed to me, — by a flash as it were, — than through an anecdote which came to me from a female friend of his and mine. It seems that John Ropes was one day to dine with her. A few hours before the appointed time he called, in some agitation, to tell her that he could not come. His mother, very old, had some time been failing; and the end was now evidently close at hand. Shortly before they had suddenly lost a son and favorite brother, Frank, of about the age of John. So now John came to call upon the lady I have referred to, to explain his absence; and with deep emotion he told her that his mother knew she had not long to live, and he could not leave her even for a moment, for it was her hope and his that she would retain her faculties to the very end, so that, dying, she might carry fresh word from him to Frank. It was characteristic in its outspoken simplicity, its loveliness, and its unhesitating expression of childlike faith.

Friendly himself, no one had more friends than he. This was touchingly evident at his funeral. Here was a man who had not known wife or child; past sixty years; a student, living alone. He dies, and the whole community crowds to Trinity to bear witness to him. Nor did the expression come from any one quarter or from a single class. It was as widespread as it was genuine; and those there had come, not to pay conventional respect, but because they felt that they wanted to be there. The individuality of the man had been pervasive.

Physically never able to bear arms himself, John Ropes had an almost inordinate admiration for those who had accomplished great feats of arms. His hero-worship of Napoleon, for instance, scarcely knew bounds, whether of fact or logic or morals. With him it was a cult. His enthusiasm, however, never annoyed, or excited a spirit of controversy. It was accepted, and dismissed, as his. This worship of Napoleon, it is almost needless to say, was shared by me only under very distinct limitations; this, however, between us made no sort of difference, and one of the days of my life I remember

most vividly and account most fortunate was a day at the close of June, five years ago, passed in his company on the field of Waterloo. His book on Waterloo had appeared only the year before, and he and I had frequently discussed the plan and incidents of that campaign, though I had never been upon the field. He had been there often; and it was now an all-day pleasure to see the genuine, overflowing delight with which he took an interested novice over the famous battle-ground. He was familiar with its every feature, and seemed to linger lovingly almost about the spot from which the Emperor is alleged to have watched the advance and overthrow of his guard. For me, at least, the occasion was one not to be forgotten.

In his peculiar province of military history John Ropes's study was inexhaustible and his grasp surprising. He seemed equally ready on the minutest detail or the largest operation. The hour and direction of every movement were ready at his tongue. I remember a very characteristic incident illustrative of this. He was deeply interested on the part of General "Baldy" Smith in one of those paper controversies, almost as innumerable as they were interminable, which grew out of the operations of the Civil War. That particular debate had to do with the momentous failure of General Smith to occupy Petersburg on the evening of June 15, 1864, after the works protecting that place had been successfully carried. At Ropes's table one evening, a year or two ago, the subject came up for discussion in a numerous company, and some question arose as to certain matters of detail. It so chanced that, though he was unaware of the fact, I had then been on the ground; and I casually stated my recollection of what took place. I spoke from memory of things which happened thirty-four years before, and I have little doubt that I was altogether wrong. In any case, my recollection militated strongly against the result of his study of the facts, and he sharply questioned me. My answers were apparently not satisfactory; as he bluntly declared in reply, "I don't believe you were there at all!" Ordinarily such a challenge of accuracy, not to say veracity even, would tend at least to bring conversation to a close, and, speaking strictly within bounds, to generate a sense of injury. With me, in the case of John Ropes, it did nothing of the kind. I was amused, as well as staggered in my faith in my own memory. It never even occurred to me that he could mean to offend; it was his

way: and, moreover, I felt he was probably right. The chances of his being so were in any event so great that I felt no inclination to set up my recollection of thirty-four years' standing against his thorough study of the case. So I contented myself with having in my repertory one more characteristic anecdote of my life-long friend.

Almost every man carries lodged in his memory certain familiar lines or catches which recur instinctively when he hears of the loss of friends. These vary with the periods of life. In my own case I find myself in later years repeating more and more Hamlet's fatalistic words, not less sad than philosophic: "If it be now, 't is not to come: if it be not to come, it will be now; if it be not now, yet it will come: the readiness is all; since no man has aught of what he leaves, what is 't to leave betimes? Let be." Our associate left "betimes." It is not easy to cast the balance and say whether for him it was well or ill. He had enjoyed life, and been the fruitful cause of its enjoyment by others. His life, also, had been a full one,—useful, much occupied, and not unduly short. He had in his peculiar field won distinction and an acknowledged authority. I greatly question whether he had ever tasted what, for him, were the pleasures of life more keenly and pleasantly than at what proved its closing period. He had come, in the quick passage of the years, to a point for him fraught with peculiar danger. The grand climacteric was passed; and though he still retained the full measure of his physical and mental health, he had no family of his own. The best was unquestionably behind. For him the future could not have been better than the past; it might well have been in strong contrast with it. That he would have borne declining strength and shattered powers cheerfully and manfully, no one who knows him can for a moment doubt; but he would have felt deeply, if silently, the loss of his accustomed pleasures, and he could not have lived an idle valetudinarian.

As it was, deeply interested in his great work, he had passed the last summer in his dearly loved vacation home at York, and in the autumn returned to his familiar Boston haunts, feeling in peculiarly good case and hopeful. His book was half done; he saw his way deep into the remaining half. All went well; there was no premonition. Contrary to his custom, on the for him fateful day, some work of repair or inno-

vation being in progress, he left his office earlier than usual, giving himself a partial holiday, which with him meant some additional hours of enjoyment amid the familiar surroundings of his working room at home, intent upon his theme. The office did not see him again. That afternoon he labored over some campaign problem. He then dined in his wonted way, and, about nine o'clock, again resorted to his library. He was not again seen before his illness. Apparently he had there ended the day earlier than was his custom, for everything was found in the order usual with him. It is very probable that he felt some indication of what was impending, — became conscious that all was not well with him, felt that something was going wrong. So, presently, leaving his bed and calling an old servant, he told her to ring up a physician, who in ten minutes was with him. Already his mind had ceased to work clearly; and, in a few minutes more, he was unconscious. Nature never rallied. The end for him had come. As Hamlet said, — "Let be."

In the preface to his "Introduction to the Literature of Europe," Hallam, after lamenting over the impossibility of exhausting his inexhaustible theme, and recording his sense of the imperfection of his work, adds solemnly: "But I have other warnings to bind up my sheaves while I may, — my own advancing years, and the gathering in the heavens." Our friend and associate left his sheaves but partially gathered, — in his case, a distinct loss to history, for he was engaged in dealing with a most interesting period, and, by nature, acquisition and training, he was peculiarly qualified to deal with it instructively. A richly freighted vessel, with its large and carefully assorted cargo, slowly accumulated, has gone suddenly down. The loss is public. For us, the fast-narrowing circle of those who were together at Harvard before the great cataclysm, the passing of John Ropes is an event not less suggestive than irremediable. For him, he has merely gone betimes. "'Tis not to come."

MR. SOLOMON LINCOLN, having been called on as a college classmate of Mr. Ropes, said: —

There was perhaps no citizen of Boston whose death could leave a sense of loss more widely spread than that of Mr. Ropes. He touched the activities and interests of life in this commu-

nity at many points, and the large and distinguished attendance at his funeral testifies both to the personal regard in which he was held and to the large part he took in important affairs. He leaves a vacant place everywhere. Occupying a private station, at his death he has received almost public honors.

Those of us who knew him in college readily bear witness to the early exhibition of those qualities of mind and character which have marked his whole career. His mature manhood was the simple and direct development of his early traits. While maintaining a high rank in scholarship, he was distinguished then, as always, for the solidity rather than the brilliancy of his attainments, for a retentive and trustworthy memory, for an extensive and accurate familiarity with historical literature, for independent thought, for self-reliance, for the sobriety and soundness of his judgments, and for a thorough knowledge of whatever he studied, by which he acquired clear thought and a capacity for terse and forcible expression.

Possessing these qualities and capacities, they were manifested in all his studies and labors, and in all brought legitimate success.

He chose the profession of the law, but in practice he naturally inclined to the work of the office rather than that of the courts, although he did not neglect nor avoid the latter. He made little attempt at forensic display, but sought to convince by plain statement and fair argument, and his blows were driven home by the potent force of his high character. Naturally, too, he cultivated the literature of the profession. He and his partner, our associate Mr. Gray, were the first editors of the "American Law Review," and they laid its foundations so firmly that it still endures. His tastes and his physical infirmity tended to confirm him in an office practice, and he gradually fell into a large and increasing management of great trusts, gladly confided to his good judgment and his integrity.

But though faithful to his profession, it by no means absorbed his energies. He was far too generous-minded not to take a keen interest in all great questions which temporarily or permanently occupy men's minds. For instance, ecclesiastical history and theological discussion always attracted him. He was not accustomed to form his religious opinions on trust or by inheritance. He thought for himself. He early investigated the systems of Protestant theology, and after some doubt finally attached himself to the Episcopal church. Having thus

given his allegiance to this church, he gave it active support, both as a parish officer and by faithful attendance upon its services. He held most intimate relations with its ministers; and many clergymen, not merely of his own church, but of other denominations, were his closest friends. They recognized in him a man of deeply reverential and religious character, and one whose religious life was supplemented by many quiet benefactions.

His habit of wide reading always remained, although necessarily limited by the occupations of a busy life. He gave himself chiefly to history. Our Society early recognized his acquisitions and his distinction in this field. He was chosen a member on June 10, 1880; and if he was less interested than some members in the special objects of the Society, it was because he devoted himself to more distant although kindred fields of investigation.

From college days through life he was especially interested in the first Napoleon, and he studied his career with incessant and minute care. He verified his knowledge by visits to the great battlefields, and collected an interesting and curious mass of material and memorabilia relating to his hero. He published much upon this subject, and his works became authorities, the most important being the "Campaign of Waterloo," published in 1892. This is a copious and learned account of that great struggle, and however we may agree or disagree with the author in his conclusions, there can be but one opinion of the remarkable knowledge, research, and critical skill which these books display. Among Mr. Ropes's friends it is not extravagant to say that he has indissolubly associated his name with that of Napoleon.

Always liberal and wholesome in his political opinions, he took the most patriotic interest in our Civil War. Himself debarred by physical infirmity from active service, his heart was in it. He was in close correspondence with many relatives and friends who were engaged in the great conflict, and the loss of his youngest brother, who was killed at Gettysburg, seemed only to deepen his interest and his devotion.

It is singular that this quiet gentleman of peaceful tastes, both inherited and cultivated, should yet be perhaps best publicly known as the historian of war.

He followed the movements of our armies with a knowledge

and intelligent criticism which were marvellous in a civilian, and this knowledge ripened through long years of acquisition until at last it displayed its full fruition in the two volumes of the *Story of the Civil War* which he lived to publish. The *Story* must remain unfinished, but the author lived to enjoy the wide fame it commanded, not limited to our country, but generously granted in foreign lands. This quiet and unostentatious civilian, who never shouldered a gun, was an authority with whom generals of both armies debated, and to whose opinion they deferred.

Nor did he confine himself to the larger matters to which I have adverted, but to all good causes he lent the assistance due from a public-spirited citizen. His College was always dear to him, and he served long and faithfully on its Board of Overseers.

The qualities with which all who knew him were familiar were displayed in his literary style. This was not ornate, but terse, emphatic, and clear. There was no doubt of the writer's meaning, nor sign of hesitation in expressing it.

Thus this modest citizen, a type of an earlier fashion, has passed his dignified life always in a private position, yet securing a respect and an influence to which no official station could have added.

And yet those who have known him for a lifetime would feel that little had been said if these professional and literary achievements were alone mentioned. It was the engaging personal qualities of the man which endeared him to his friends, and which never lost their charm. His college classmates knew him, as they and all his associates have always known him, to be the hearty, unselfish, cheery friend, generous in his appreciation of others, interested in their ambitions and their sorrows, and lavish of commendation. His popularity was universal. The many who were privileged to visit his home will long remember his boundless and sunny hospitality. The charm of his qualities was perhaps there best displayed. His guests left him conscious not merely of a gracious welcome, but of a certain clear mental and moral gain, the fruit of sound opinion and healthful discussion. Yet he was no ascetic. No one enjoyed more than he the lighter pleasures of social intercourse, and in them his keen and thoroughly appreciative sense of humor prompted him to play his full part.

The burden of physical infirmity which he always bore produced no bitterness. He had no animosities; if argumentative, he was not controversial. And to the last he exhibited the vivacity of youth, maintained and stimulated largely by his constant association with young men, whose patron he was, and among whom his sincerest mourners will be found.

Immediately after his graduation he organized a small club of classmates who have dined together monthly during the cooler months of more than forty years. Here he, the founder, exercised a benignant sway, and it may well be understood that this broken circle can hardly be restored.

Mr. JOHN C. GRAY, one of Mr. Ropes's law partners, was then called on and said:—

Mr. President,—I do not propose to speak of Mr. Ropes's historical labors in detail. Many of this company are far more competent to judge them than I am. Their main qualities are well marked: Great industry in the collection of authorities. He was not a rapid reader, but he never had to read anything twice. His memory, to the minutest circumstances of date and place, was remarkable. Then he had unusual power of mastering the details of a complicated transaction and of setting forth the result in a lucid, orderly, and attractive manner, so as to be alike instructive to specialists and intelligible to the ordinary reader. And, finally, he had an intense desire to find out and tell the truth. He welcomed the expression of adverse views, not that he might confute them, but that he might seriously, without pride of opinion, consider what there was in them of truth.

Mr. Ropes was by profession a lawyer. I have been associated with him for nearly forty years in the study and practice of the law. As an advocate he excelled in the quality which I have mentioned as marking his historical work,—a great facility in putting order into a chaos of conflicting facts and in guiding the court or a jury through it in a clear and persuasive manner. He might have risen, I have always thought, to distinction in the active practice of the courts; but circumstances drew him aside from forensic work, and the greater part of his time was devoted to the management of property in trust. I find, on looking at his books, that at the time of his death he had charge of more than a hundred trusts, some of

considerable size and some very small, though these last were often more troublesome, and of more importance to the persons interested, than were the larger ones. They were all, large and small, guarded with the same conscientious care. Mr. Ropes made no pretence to great financial knowledge or shrewdness, but his large experience, his prudence, his methodical habits of business, his common-sense carried his trusts through periods of business depression and failure with a success gratifying to himself and to his beneficiaries.

But Mr. Ropes was more remarkable as a man than as an historian or a lawyer. Nature had given him a strong constitution, but he was stricken in boyhood with a severe infirmity. The energy with which he determined in youth that this physical disability should not form an essential factor in his life, and should leave no mark on his naturally high spirit, excited the admiration of all who knew him.

But he was to be put to a severe test. He was a born soldier, and from boyhood had nursed his spirit on stories of martial deeds. The Civil War broke out. His brother, his nearest friends and companions were going into the army. Had he been an able-bodied man, he would have been among the foremost to seek a commission, not, like many of his contemporaries, merely from a sense of duty, but as seizing the opportunity to gratify his dearest wish and his highest ambition. He would have rejoiced to have

“Drunk delight of battle with his peers.”

But it could not be. He was absolutely debarred. Like Troubridge stranded in the Culloden at the battle of the Nile, he was, in the words of Nelson, compelled to stand idly by, “while his more fortunate companions were in the full tide of happiness.”

It was undoubtedly the greatest affliction of his life. To many men — I think I may say to most men — it would have brought bitterness or, at best, indifference to the struggle.

But Mr. Ropes's most striking quality was magnanimity. There was not a grain of envy in his whole nature. He could not himself go to the war; he would do all that was possible for those who did. In watching over their interests, in ministering to their wants, in writing innumerable letters, whose arrivals, as I can testify, were the best moments in the dull

monotony of camp life, he was never weary. This feeling was consecrated by the death of his brother, who was killed at Gettysburg. And after the war closed, the interest which lay nearest to his heart was to perpetuate the memory of the events of a war in which he himself could not take part.

Mr. Ropes was a man of strong, very strong, religious feelings; he came from the purest of Puritan stock, but, like his excellent father before him, he escaped many of the weaknesses of the Puritan character. He had no taste for small scruples. He was no ascetic. Within the limit of becoming mirth, he dearly loved a jest. He was in the best sense a man of the world. He "saw life steadily and saw it whole." He believed in the duty of cheerfulness. His virtues were positive, not negative. His thoughts were not how to mortify himself, but how to help others. His generosity was boundless, his charity unfailing. He had a keen insight into character, and knew well the faults and foibles of his friends, but he cared not to dwell on them, and they made no difference in his affection.

He was in many ways an old-fashioned man. The modern schemes of general philanthropy he respected, but he took little interest in them, and felt no vocation to share in them. Many years ago he said to me that he believed the best way for him to aid his fellows was by helping individual young men. And thoroughly did he discharge this self-imposed duty (not only, nor chiefly, by money, though he was a liberal giver, whose left hand knew not what his right hand did), but to scores of men in trouble or temptation his sagacious counsel, his cheerful courage, his high sense of honor and duty, his unaffected sympathy have brought the needed strength. Many young men, all over the country, and some no longer young, can testify that they have had no friend like him. He had, indeed, a genius for friendship. Each of his friends felt that he was not like any other friend to Mr. Ropes, but that there was something special in their particular relation. And so there was. I was much struck by the truth of what a young man said to me since Mr. Ropes's death: "I have had many kind friends to sympathize with me in my troubles. They have tried to put themselves in my place, and think how *they* would have felt. Mr. Ropes was the only one who knew how *I* felt."

As might be supposed, Mr. Ropes was given to hospitality. For the last sixteen years of his life he was a householder, and

I doubt if during that time there has been any table in Boston at which there have been so many eminent men seated, and so much good talk; and among the good talkers the host was one of the best. But he was no lion-hunter. The same kindness of heart marked his conduct there as elsewhere. If you dined with Mr. Ropes, you might find yourself at table with an admiral, an ambassador, or an archbishop, but you might also find yourself with a young lieutenant or student.

Mr. Ropes felt that his life had been singularly fortunate and happy. And he was fortunate and happy in his end; with "no cold gradations of decay," death freed his strong soul from his frail body — "the nearest way."

MR. GEORGE B. CHASE said: —

In their fond recollections of John Ropes gentlemen who preceded me have spoken of the many, many years they knew him. But in length of years, if not in daily intimate association with him, my own acquaintance with Ropes exceeded that of almost any person now living. Ropes and I were schoolfellows as far back as 1843, and both in that year and in 1844 we crossed the Common almost daily on our way to school in Chauncy Place. Few greater changes have occurred in the outward aspect of Boston in the last half-century than those we both lived to witness in the quiet streets through which we walked to and from school so long ago. I remember Ropes in those years as a bright healthful boy and an especial favorite with the pretty assistant teacher who, living near him, usually accompanied us home from school.

Ropes's deformity, which in any account of this most notable man as he lived among us cannot be overlooked, so much did it seem to serve as a foil to the remarkable powers of his mind, was a curvature of the spine. This was thought to have begun about his thirteenth year and grew unobserved upon him until the return, after long absence, of a near relative, who at once noticed something amiss in the boy's appearance. Then it was found that the mischief already done could not be repaired. The attitude the boy was wont for some reason to assume, when bending over his book in long hours of reading or study, was supposed by his family to have been the cause of his malformation.

So much has been said here to-day, and so well said, in

Ropes's memory that I touch but lightly on my own recollections of him. It must be nearly twenty years since John Ropes was appointed by the President a visitor to West Point. During the visitation of that year I arrived at the Point one afternoon, and, finding Ropes sitting in the shade of the parade ground, sat a long time with him before and after evening parade, as he talked of his impressions of the Academy. A few hours later I heard Professor Michie speak to the guests — some of them officers — he had gathered in his home that evening of Ropes's attainments. "He is a prodigy, an astonishing man," he said. "Why, gentlemen, he knows more about what happened in the field between '61 and '65 than all of us here together."

But one word more. In the spring of 1861 Ropes carried off the Bowdoin prize offered to resident graduates at Harvard for an essay on Mansel's "Limits of Religious Thought." Thus early in life did he show how largely the subject of religion had engaged his attention, and I believe myself well within the truth in saying, as I look back upon the life now closed, that few men trained to other pursuits have lived in our time among us who gave to religious study and meditation deeper or more sustained thought than the friend whose sudden taking off we deplore, and the charm of whose society we shall so long remember.

Interesting personal recollections of Mr. Ropes were given by Messrs. WILLIAM W. GOODWIN, by whom he was prepared for admission to college, and WILLIAM S. APPLETON, EDMUND F. SLAFTER, and ALBERT B. HART, who had known him in later years.

Mr. ROBERT N. TOPPAN communicated a copy of the Council Records of Massachusetts under the administration of President Joseph Dudley, and said: —

After a long struggle to preserve the democratic form of government granted in their Charter, under the shelter of which the Colony of the Massachusetts Bay had become a flourishing community, the colonists found themselves deprived of their cherished rights by a decree of the English Court of Chancery in 1684, which annulled and vacated the royal patent.¹ Even after judgment had been rendered, the inhab-

¹ For the details of the long-continued struggle, see "Edward Randolph," published by the Prince Society, 1898, 1899.

itants still hoped that the King would relent and would be able to reverse the decision. That their hopes were not ill-founded is shown by an opinion given, in 1689, by Sir Thomas Powis, Attorney-General of James II., that "the Charter had been illegally vacated."

The Charter having been annulled, it became necessary to re-establish a civil government; but before a new form dependent upon the authority of the King should be permanently settled, a temporary administration was erected. Mainly through the efforts of Edward Randolph, who was the royal collector of revenue in the Colony, Joseph Dudley, with whom he was then on friendly terms, was selected by the King as temporary President. That Mr. Randolph was influential in securing Mr. Dudley's nomination is disclosed in a letter written by Randolph from England to Samuel Shrimpton, in which he says: "I am extreemly solicitous that Mr. Dudley might have the sole Gov^t of N. Eng^d, for no man better understands the constitution of your country, & hath more loyalty & respect to his Ma^{ties} affaires, but I dare not openly appeare in it, least it be thought there is some private design in it, butt I am upon all occasions hinting his meritt to his freinds."¹

Although Joseph Dudley was the son of a respected Governor of the Colony, a graduate of Harvard College, and had been much in public life, he had many political enemies who did not hesitate to show their disapprobation of him. He was not re-elected as a member of the Council in 1686, — a second time he had failed of re-election. He, however, evidently hoped to regain political power, as is made clear in a letter written by him to Randolph, then in England. "I suppose, notwithstanding all the Delayes you complain of, if Mr. Attorney General please *Trinity Term* may end His Maj^{ties} suit, & make Way for his perfect Satisfaction. When I may expect to satisfy myself. . . . Wee well know that your Influence & Industry may prevail much. S^r Wee drink your Health."²

¹ Mather Papers, vol. v. p. 69, in Boston Public Library; Letter of Edward Randolph to Samuel Shrimpton, 26 July, 1684, printed in 4 Mass. Hist. Coll., vol. viii. p. 526; also "Edward Randolph," Prince Society, vol. iii. p. 317.

² Letter of Joseph Dudley to Edward Randolph, 7 June, 1684, printed in 4 Mass. Hist. Coll., vol. viii. p. 484; also in Andros Tracts, vol. iii. p. 210, and in "Edward Randolph," Prince Society, vol. iii. p. 306.

When it became known that the Charter government had actually fallen, the colonists looked forward to an uncertain future with distrust and alarm. James II. was an avowed Papist, a bigoted partisan of a Church against which the Massachusetts planters had hoped to erect a barrier.¹ London had lost its charter, and other English cities and towns were losing theirs. Colonel Percy Kirke, a brutal soldier, had been nominated as royal Governor of Massachusetts. Judge Samuel Sewall describes forcibly the condition of the Colony when he writes in his Diary, "The Symptoms of Death are on us."²

Credit must be given to Randolph for making great efforts to prevent the sending of Colonel Kirke to New England, whom he considered totally unfit for the government of a Puritan colony. He wrote strongly on the subject to the Bishop of St. Asaph, saying: "Its a great pitty & lookes like injusstice that a great country of good subjects should not have some tyme of tryall before they are all at once condemned to the passion & avarice of an unreasonable man, besides 'twill above all greatly reflect upon our church to have men of ill principles & debauched lives appeare as the promoters of that religion, they so much dishonour in their conversation."³ Fortunately for the colonists Colonel Kirke did not come to New England.

On May 14, 1686, the General Court, representing the old government, having assembled two days previously, Randolph arrived at Boston from England bearing the royal Commission for instituting the new government.⁴ On the 17th, the General Court having met, Mr. Dudley made a speech to the members, saying he was sorry that they could no longer be treated "as Governor and Company." He then exhibited publicly the exemplification of the judgment against the Charter, the commission appointing him President, and his commission as

¹ "To raise a bulwarke against the Kingdom of Antichrist which the Jesuits labour to rear up in all places of the world." See Hutchinson's Collection of Papers, Prince Society, vol. i. p. 29.

² Diary of Samuel Sewall, 21 January, 1685-6, in 5 Mass. Hist. Coll., vol. v. p. 118.

³ New England Historical and Genealogical Register, vol. xxxvii. p. 268. Letter of Edward Randolph to Dr. Lloyd, Bishop of St. Asaph, March, 1685; also "Edward Randolph," Prince Society, vol. iv. p. 15.

⁴ "Randolph's Short Narrative," quoted in "Edward Randolph," Prince Society, vol. i. p. 274. "1686 May 14. I arrived at Boston wth his majties Comission of Govern^{mt} to a President and Councill."

Vice-Admiral. There was no reply to the remarks of the President. Silence fell upon the assembled members and the persons present. When the President had gone, a disposition was shown to enter a protest, but that was not then done. On the 20th, however, an address was prepared, and being signed by Edward Rawson, as Secretary, was delivered to President Dudley, complaining that the form of the new government was arbitrary, and that the colonists would be deprived of their "libertyes as Englishmen." This protest produced no effect, except to be denounced by the new Council as a "libellious paper." On the same day, the 20th, a committee of the old government was selected to take charge of all papers relating to the Charter, and of all titles to land, and on the next day,¹ at Governor Bradstreet's house, the General Court adjourned to October, thus keeping up the semblance of a suspension only of the Charter government. The final meeting is described pathetically by Sewall in his Diary, who writes "the Adjournment which had been agreed before, Second Wednesday in October next at 8 o'clock in the Morning, was declared by the Weeping Marshal-General. Many Tears Shed in Prayer and at Parting."²

It was at first intended to install the President and Council with some military pomp, and the Boston Troop was to escort Dudley from his home in Roxbury, but the discontent among the soldiers was so great that the design was given up. On the 25th of May the first meeting of the new Council was held, President Dudley delivering an inaugural address, and meetings were held at various intervals until just before the arrival of Sir Edmund Andros, the last being on the 16th of December.

The Records of these Council meetings are at the State Paper office in London, a transcript of which is in the Department of Archives at the State House. While copying the transcript I searched for original minutes or drafts in various volumes of the Massachusetts Archives, but the result was meagre. What was found is given in footnotes.

¹ This is printed in the "Massachusetts Records" under the 20th, — undoubtedly owing to the neglect of Edward Rawson. Sewall gives the date as the 21st, and this date is confirmed by a letter of Edward Randolph. See February Meeting, 1899, Transactions of The Colonial Society of Massachusetts.

² See 5 Mass. Hist. Coll., vol. v. p. 140.

*Dudley Records.*¹

Boston in New England May y^e 25. 1686.

Present: The Hon^{ble} Joseph Dudley Esq^r President.

William Stoughton	Peter Bulkley	Barth ^o Gedney
Robert Mason	Wait Winthrop	John Hinks
John Fitz Winthrop	Richard Wharton	Edward Tyng
John Pinchon		& Edw ^d Randolph Esq ^{rs}

The President and Councill being assembled, the Exemplification of the Judgment against the Charter of the late Governour and Company of the Massachusetts Bay in New England publickly (in open Court where were present divers of the eminent Ministers, Gentlemen and Inhabitants of the Town and Country) was Read with an audible voice.

His Maj^{ties} Commission Then His Majestyes Commission of Government directed to the President and Councill was likewise read
read in open Court

The President then proceeded and took the Oath of Allegiance and also the Oath contained in that Commission, which The Oaths taken. were administered to all the Members of the Councill then present.

The President and Councill tooke their places upon the Bench having before sat round the Table in the Councill Chamber. The President and ident addressed himself to the Assembly in a sort Councill remove [*sic*] and gratefull speech: as copie whereof is as follows:

Presidents' GENTLEMEN

speech to the Both myself and the other Hon^{ble} Members of His Assembly. Maj^{ties} Councill present, have taken this Governm^t and Bench by his Maj^{ties} speciall Command wherein we are required, all excuses set aside to take the charge and managem^t of this His Maj^{ties} Territory and Dominion of New England, and by all means carefully to intend his service, and the growth and flourishing of these Plantations. And you have now seen us solemnly sworn, according to the direction of His Maj^{ties} Commission, even now read and published unto you: and you must allow me to tell you, that it is impossible for myself and these Gentlemen, of all whose ability industry and loyalty I have no reason to doubt, except for myself, I say it is impossible for us to bring His Majestyes desire and expectation, which we are well assured is no other than the happy increase and advance of these Provinces, by their more immediate dependence upon the Crown of England, unless all his good subjects intend and conspire the same, by a sober loyall and dutyfull demeanour towards His Majestyes Governm^t here; which therefore we now advise you of, as the plainest

¹ In Massachusetts Council Records, vol. ii.

path unto your own happiness, and of which we may not doubt that you will not fail us.

The necessary alterations in the Rule and Form of administration of this His Maj^{ties} Government from the methods late used by the Government while it stood by Charter, as (by His Maj^{ties} indulgence and favour) they need be but a few, so we assure you shall with all care and prudence be contrived as plain and easie as is possible, and we shall hasten humbly to lay them at His most gracious Maj^{ties} feet for his allowance and confirmation.

I may not omit to remark unto you in His Maj^{ties} Commission, that gracious and favourable clause of Indulgence in matters of Religion, so necessary for the peace and flourishing of this place, as also that of his command unto his President and Councill here, that they further lay before him such methods and Rules in Governm^t as are necessary for you, and when wee are commanded to ask, wee are assured that so just and wise a Prince as our Sovereigne (whom we serve) is, doth not mean to deny. It greatly imports us therefore, and I humbly pray to God that wee improve both the said Indulgence and direction of Address to his Ma^{tie}, to His Ma^{ties} Satisfaction and our own future lasting benefit.

If there be any so ill minded as to suppose that we are now escaped from under a strict and severe Governm^t, and think to allow themselves in debauchery and ill-living, (which hath hitherto happily been prevented from overrunning these Plantations, and which hath been the true cause of their being so much more considerable than their neighbours) we do assure them, and we do humbly render our thanks to God and His Maj^{tie} that his commands and directions to us are expressly to the contrary, and most agreeable to our own inclinations; and we do therefore justly expect from the severall Justices of the Peace, Constables and other officers, now presently to be commissioned and established, that they carefully intend the suppression of all vice and ill-manners, and we shall alwayes strengthen your hands therein, and God can make the success happy.

I shall have done when I have told you that for the injuries late offered to my self by this People, I should not once have mentioned them, but to assure you that I have perfectly forgotten them, and that I am a true and sincere lover of my country, and shall by all means (if I may therein be assisted and advised) not fail to demonstrate it unto you by the following short administration of Government, and this I say as remembring that (you may know) I have an accompt to make immediately to His Maj^{tie} and finally to God, the Judge of all.

A Proclamation by the President and Councill (being
printed) was openly read in Court and commanded to
be published by beat of drumme and sound of Trumpet, which was ac-

Proclamation.

cordingly done, and many coppies delivered out to the People: one whereof as followes.

WHEREAS We have received from His Most Excellent Majestie our Sovereign Lord JAMES the Second, King of England Scotland France and Ireland, defender of the Faith &c the Exemplification of a Judgment in His High Court of Chancery under his Maj^{ties} Great Seal of England bearing date the Thirteenth of October in the First Year of his Maj^{ties} Reigne, against the Governour and Company of the Massachusetts Bay in New England, whereby the Government thereof and all the members therunto belonging is now in His Maj^{ties} hands.

And His Maj^{tie} having been graciously pleased to declare that He is minded to give all protection and encouragement to all his good subjects therein, and to provide in the most effectual manner that due and impartiall Justice may be administred in all cases Civill and Criminall, and all care taken for the quiet and orderly Governm^t of the same; and in order thereto it hath pleased His Most Excellent Majesty by his Commission bearing date the Eight day of October in the first year of his Reigne under the Great Seal of England to erect and constitute a President and Councill to take care of all that his Territory and Dominion of New England called the Massachusetts Bay, the Province of New Hampshire and Maine and the Narraganset Country, otherwise called the Kings Province with all the Islands Rights and Members thereunto belonging, and to order rule and govern the same, according to the rules methods and regulations specified and declared in the said Commission, together with His Maj^{ties} gracious Indulgence in matters of Religion.

And for the execution of His Royall Pleasure in that behalfe His Maj^{tie} hath been pleased to appoint Joseph Dudley Esq^r to be the First President of His Maj^{ties} said Councill and Vice-Admirall of these Seas, and to continue in the said Offices untill His Majesty shall otherwise direct and also to appoint Simon Bradstreet, William Stoughton, Pete^r Bulkley, John Pincheon, Robert Mason, Richard Wharton, Wait Winthrop, Nathaniel Saltinstall, Bartholomew Gidney, Jonathan Ting, John Usher, Dudley Bradstreet, John Hinks, Francis Champernoon, Edward Tyng, John Fitz-Winthrop and Edward Randolph Esq^{rs} to be His Maj^{ties} Councill in the said Colony and Territories.

The President and Councill therefore being convened according to the direction and form in the said Commission and haveing taken the Oaths therein required and finding it primarily needfull that speedy and effectuall care be taken for the maintenance and preservation of the Peace, have accordingly appointed and authorized Justices of the Peace in the Severall Countyes, Precincts and Principall Townes throughout the severall Provinces, and do also hereby continue all and every the Grand Juries of the severall Countyes, Constables, Select Townsmen, and such

as have lately had the charge of watches in there severall and respective offices charge and trust, till others be orderly appointed to succeed them. And the said President and Councill doe hereby, in His Majestyes name, strictly command and require the severall Justices of the Peace, Select Townsmen, Overseers of the Poor, Surveyors of the High Wayes, Constables, and other inferiour Officers who have had the care of Watches and who are now commissioned or continued as aforesaid, diligently and faithfully to intend pursue and execute their severall and respective offices charges and trusts for the Preservation of the Peace and for suppressing and discountenancing all disorder and vice. And we do hereby require all His Majestyes Subjects within the said Colony and Territoryes to be obedient aiding and assisting to all such Justices of the Peace, Constables and other Officers in the execution of their severall offices and places at their utmost perrill.

GOD SAVE THE KING.

A Commission of the Peace was delivered to divers County of
Gentlemen in Boston and the Towns adjacent whose Suffolk.
names follow :

To John Richards	Simon Lynds
Sam ^{ll} Sewall	Adam Winthrope
Edw ^d . Rawson	William Torrey
John Jollife	Edward Quinsey
	& W ^m Gearish Esq ^{rs}

A Commission to the Gentlemen of the County of County of
Middlesex : Middlesex.

To Daniel Gookin	Thomas Hinchman
James Russell	Thomas Prentice
Thomas Graves	William Bond
Jonathan Wade	Ephraim Flint
	& John Brown Esq ^{rs}

A Commission for the Gentlemen of the County of County of Essex.
Essex :

To William Brown junior
John Hawthorne
John Woodbridge
John Appleton Sen^r
Richard Dummer &
Daniel Epps Esquires.

M^r Giles Dyer of Boston appointed to be the Receiver of the Duties upon wines and other Liquors imported to this Government.

Giles Dyer appointed Receiver of the duties upon Wynes etc.

Proclamation
sent to all the
townes in this
Governm^t

Ordered That the Proclamation, which was this day
read in open Court and published by beat of Drumme
and sound of Trumpet, be sent to all the Townes be-
longing to this His Majestyes Government.

Adjourned till tomorrow.

Present: At a Councill held in Boston May y^e 26th 1686.

The Hon^{ble} Joseph Dudley Esq^{re} President

William Stoughton	John Pinchon	Bartho Gedney
Robert Mason	Peter Bulkley	Edw ^d Tyng
John Fitz Winthrop	Wait Winthrop	& Edw ^d Randolph
	Richard Wharton	Esq ^r

Warant to con-
vey John Collier
to Salem.

Ordered, That a Warrant be sent to the Constables
of the severall townes to convey John Collier a dis-
tracted Person, to the Select Men of Salem, to provide
for him as formerly, w^{ch} was accordingly done.

Court of Pleas,
held.

Ordered, That on the last Tuesday in July be held
a Court of Pleas in Boston.

Referr'd to Major Buckley to consider of his accepting the place of
Cap^t of the Castle at Boston.

Justices of y^e
Peace to take
the Oaths & by
whom.

Ordered, That the severall Gentlemen of the Councill
upon their return home, do administer the Oath of Alle-
giance to the Justices of the Peace in their respective
Countyes, which Oath of a Justice is as follows:

Yee shall swear that as Justices of the Peace in the County of Suf-
folk &c according to the Commission given you, yee shall do equall
Justice's Oath. right to the Poor and to the Rich, after your best under-
standing and knowledge, according to Law, and yee shall
not be of Councill of any quarrell that shall come before you ; yee shall
not lett for gift or other cause, but well and truly you shall do your Office
of Justice of the Peace in that behalfe, taking only appointed Fees ; and
you shall not direct or cause to be directed any Warrant (by you to
be made) to the Partyes, but you shall direct all your Warrants to
Constables, Tithing men, and other Officers, proper for the execution
of the same, in the said County, haveing alwayes regard to His Majes-
ties gracious Indulgence in matters of Religion ; and this shall yee do
without favour or respect to Persons, *So help you God.*

A Commission to the Gentlemen of the Province of Maine for Jus-
tices of the Peace.

To Joshua Scottow

Francis Hooke

Charles Frost

Samuel Wheelwright

Nathaniel Fryer

Edward Rushworth

John Wincoll &

Silvanus Davis Gentle^m

A Commission to the Gentlemen of the Province of New Hampshire for Justices of the Peace.

To Walter Barefoot
Rich^d Chamberlaine
Robert Elliot
Thomas Graffort

Henry Green
Rich^d Waldron Jun^r
Peter Coffin Esq^{rs}
John Gerrish &
Rob^t Wadleigh Gent^m

Ordered, That all causes under Forty shillings be heard by one of the Members of His Maj^{ties} Councill, or by any two Justices of the Peace in their respective Countyes: and from the sentence of Judgment in such cases to be given, there shall be an Appeal to y^e next Court of y^e County, and no higher.

Causes under 40 sh. by whom to be heard & to what Court the Appeal to be made.

The President in full Councill declared William Stoughton Esq^r to be Deputy President, which he accordingly accepted, to the great satisfaction of the whole Councill.

Deputy President chosen.

Ordered, That formes for Military Commissions be forthwith prepared.

Military commissions to be p^{re}pared.

A Petition of Anthony Haywood (merchant) of Boston, Praying the President and Councils letter to the Governour of Burmudas, for his assistance in recovering a vessell carried into that Port, was read, and a letter with p^{re}pared and order'd to be sent. A Copy as follows:

Antho. Haywoods Petition read & answered.

Sir—This day appeared before us M^r Anthony Haywood merch^t, owner of the ship Resolution of Boston, and did rep^{re}s^{en}t that about two yeares agoe he lett out by the month, to Th^o Henly Mar^r and others the s^d ship, to go to the Wrecks by the Bohemia Isl^{ds} with covenant to return the s^d ship within twelve months after their Departure from Boston. But the said Henly and others, not observing their contract, have disposed of the said ship, without consent or order of the said Owner; but he being now informed that Bartholomew Sharp (with others) is lately arrived upon the said ship at your Island, and gives out that he is the just and legall possessor thereof, we have upon a true sense of M^r Howards losses, judged it necessary to acquaint you thereof, and to apply to you being His Majestyes immediate Governour upon the Place, earnestly desiring you upon your receipt of this our letter, to countenance and permit his Attourney who is prepared to present to your Honnour the Bill of Sale of the said Ship and other Evidences, whereby they are able to make out Mr. Howards title and propriety to the s^d ship; not questioning that upon due examination of the whole matter, you will readily admit him a fair Tryall and therein acquitt your selfe as a person in whom His Majesty hath been

graciously pleased to intrust the care and government of the Island of Barmudos; which act of your justice we shall not fail to represent by the first opportunity to England.

So we remaine &c

Adjourned till tomorrow morning.

Present. At a Councill held in Boston in New England May the 27th 1686.

The Hon^{ble} Joseph Dudley Esq^r President

William Stoughton Esq^r D. P.

Robert Mason

Peter Bulkeley

John Hinks

John Fitz Winthrop

Wait Winthrop

Edward Tyng

John Pincheon

Richard Wharton

& Edw^d Randolph Esq^{rs}

Prison keeper
continued in his
place.

Ordered, That Robert Earle continue Prison Keeper of Boston.

Justice of Peace
appointed for y^e
Province of Maine.

Ordered. that Joshua Scottow be Justice of the Peace for the Province of Maine.

Courts of Pleas
appointed with
their times places
& orders.

Ordered. that in each severall County and Province within this Government there shall be erected and settled a County Court, to be held and kept as a Court of Pleas and of General Session of the Peace, the times places and order of which are as followeth; viz^t

For the County of Suffolk to be held in Boston, four times a year.

The First, on the last Tuesday in July next

The Second, on the last Tuesday in October following.

The Third, on the last Tuesday in January

The Fourth, on the last Tuesday in Aprill.

And on the same dayes annually

For the County of Middlesex:

The first at Cambridge on the First Tuesday in October

The Second at Charlestown on y^e 3^d Tuesday in December

The Third at Concord on the first Tuesday in Aprill

The Fourth at Charlestown on the third Tuesday in June.

And so annually.

For the County of Essex

The First at Ipswich on the last Tuesday of September

The Second at Salem on the last Tuesday in November

The Third at Ipswich on the last Tuesday in March.

And on the same dayes annually.

For the County of Hampshire.

The First at Springfield on the last Tuesday in September.

The Second at North Hampton on the last Tuesday in March.

And so annually.

For the Province of New Hampshire

The First at Great Island the first Tuesday in October.

The Second at Portsmouth, the first Tuesday in Aprill.

For the Province of Maine.

The First at York, the second Tuesday in October.

The Second at Wells, the second Tuesday in Aprill.

And for the more regular and certaine keeping of the aforesaid Courts; It is *Ordered* that they shall consist of such Member or Members of the Councill in each County and Province as shall be therein Resident (not excluding any others of the Councill who shall think fit to be present) together with such Justices of the Peace as (where need is) shall be particularly commissioned thereunto; so that the number in each County Court be alwayes three at the least, and one of them a Member of the Councill, who being assembled at the times and places appointed have full power and authority to open and hold the s^d County Courts and to proceed to the hearing trying and issuing of all civill causes and pleas whatsoever, and of all Criminalls not extending to life or limb, and upon Judgment given to award Execution; makeing such adjournm^{ts} as to them shall seem meet, and punishing all contempts, as unto such a Court of right doth belong: from w^{ch} severall County Courts and the judgment in them given in all civill cases, there shall be an Appeal lye to be orderly made and brought to the President & Councill at their next Court, to be held for that end, as hereafter is appointed: unto which Court of Appeals the Appellant shall bring the whole case as it was pleaded and tryed in the Inferiour Court between the Appellant and Defendant, and both shall have further liberty of all such additional evidences and pleas to be brought, as doth not alter the issue that hath been between them.

Ordered: That there be held by the President or in his absence the Deputy President and Councill, a stated Superiour Court of General Assize and Generall Goal Delivery for this His Maj^{ties} whole Territory and Dominion, to be kept thrice in the year at Boston, i. e on each First Tuesday in the months of November March July and so annually. In w^{ch} Superiour Court so to be held shall be tryed and finally issued all cases of Appeal, all Capital cases, and all such pleas of the Crown, and other matters of greater concernment as are above the cognizance of Inferiour Courts, and proper thereto to be determined: saving all-ways unto all persons liberty of Appeal unto His Maj^{ty} in Councill; as in and by His Maj^{ties} Royall Commission is granted limited and appointed

Adjourned till Tomorrow Morning.

At a Council held at Boston in New England 28th May 1686

Present: Joseph Dudley Esq^r President

W^m Stoughton Esq^r Deputy President

Robert Mason

Peter Bulkley

John Hinks

John Fitz Winthrop

Wait Winthrop

Edw^d Tyng

John Pincheon

Rich^d Wharton

John Usher

Edw^d Randolph Esq^{rs}

Ordered. That in all legall Process within His Maj^{ty}s Territory and Dominion be allowed and accounted valid in the severall Courts now constituted the Originall Writt shall alwayes be under the hand and seal of the President or of some Member of the Councill or of the Clerks of the County Courts within their severall precincts; and in small actions, under the Sealls of such as are to try them. And all such Writts as shall be above Twenty Pound vallue, shall be also stamped with the Seal of the Secretaries Office. All which Originall Writts aboves^d and all Executions upon Judgment given shall be directed to be served by the Provost Marshall, County Marshall or their Deputyes, and no other; except in small cases where the Constable of the Town shall be sufficient and where the case is to be tryed in the County Court, every originall Writt shall be served fourteen dayes before the sitting of the said Court and pursuant thereunto a declaration of the Plaintiffe shall also be entred with the Clerk of the Court seven dayes before its sitting, & the same time (of seven dayes) is given for the entrance of the reasons of Appeal with the Secretary in all cases of Appeal to the Supream Court.

Ordered That the acknowledgment of all Deeds and other legall Instruments that are to be entred upon Record, shall be made before, and be signed by the President or some Member of the Councill, and no other.

Ordered. That the Office for the Probate of Wills and granting Administrations be holden by the President for the time being, and his Clerk at the Councill-house on Thursdayes at ten of the clock in the morning, and in other Provinces and remote Countrys by such Judge and Clerk as the said President under his hand & seal shall authorize, and at such time as shall be appointed, takeing Fees according to the Statutes, the s^d Clerks being herein accompted as Deputyes to the Secretary and Regester, and from him to take Deputaçon accordingly.

Ordered. That such as from time to time shall be allowed and sworn Attourneys by the Councill and County Courts (and they only to receive Fees and plead in any of His Majestyes Courts) and no other presume to offer pleading, save that every Man is allowed to plead his own Case.

That no Affidavit or testimony is in any Civill Case to be taken out of the Court where the Tryall is holden except before some Member of the Councill, where the Witness is at a great distance from the Court, or incapable of coming, or bound to Sea before the Tryall, and then in the

presence of the opposite party if he may be had, and seasonable Notice given to him thereof, and all Wittness in Criminall Cases to give their evidence in open Court.

Ordered. That the Accounts of the late Treasurers be brought in.

The Captaine of the Castle discoursd of, but referred.

Ordered. That M^r John Jacobs bring in an account of the names of persons in arrears of Dutyes upon Wine.

The Artillery discoursed and Captaine thereof referred.

John Usher Esq^{re} voted and confirmed Treasurer of his Majestyes Incomes and Revenues of this Governm^t:

M^r Stoughton, M^r Mason, and M^r Pincheon nominated a Comm^{tee} to take the accounts of M^r Nowell late Treasurer, and report them to the Councill, and to remove what is due into the Secretaryes hands, and to propound what may be further necessary for the case of the Officers in Collecting the Imports & duty upon Wine, Liquor &c coming into these parts; and M^r Lynds and M^r Sheafe are desired to be assisting to that Committee.

Delivered — Richard Smith Esq^r Commissions for severall Justices of the Peace, viz^t for himself, for John Fones and for James Pendleton Esq^{rs} also a Commission for Sergeant Major and a Dedimus Potestatem, to swear the Justices, himself being sworn here; likewise a coppie of the Constables Oath, the Oath of Allegiance with the Justices Oath was delivered to him.

Richard Buckley appointed Clarke to take account of, and give Licence to ship off Horses, & allowed Fees viz^t sixpence a head tolling, and sixpence a tickett.

Ordered. That a warrant be sent to Nathaniel Barnes to deliver the Toll-Book of Horses and all other things that belong to that Office of Toll-Master unto Richard Buckley, who is appointed Toll-Master for Boston and Charles Towne which was done accordingly.

Ordered. The Committees meet at one of the Clock on Monday in the afternoon to report on Tuesday morning.

John Green made Marshall of Middlesex and was sworn for the faithfull execution of his Office.

Adjourned till to morrow.

At a Councill held in Boston in New England on May 29th 1686.

Present — The Hon^{ble} Joseph Dudley Esq^{re} President.

William Stoughton	Wait Winthrop	Barth ^o Gedney
Robert Mason	John Pinchon	Edw ^d Tyng &
John Fitz Winthrop	Peter Buckley	Edward Randolph Esq ^{re}
	Rich ^d Wharton	

a *Proclamation* published, empowering the severall Ministers and Justices of the peace in His Maj^{ty}s territory to consummate marriage,

and no other persons without Licence from the President or his Deputy, and entred with the Secretary before marriage.

a Summons sent to M^r Nowell to attend the Councill at nine a clock on Monday Morning next with his accounts, also M^r Lynds and M^r Sheafe desired to attend.

a Letter sent to the Treasurer of the Province of Maine, to demand an account of the moneys collected in the said Province and to make stopp of all money in the Collectors hands, which was ordered to be raised by M^r Danforth or others by his Warrant.

a Letter also sent to M^r Francis Hooke to take an account of what Wine and other Liquors are imported into York and Kittery.

Likewise another Letter to Robert Estwick to take an account of all Wines and Liquors which shall be landed in that Province, and to receive impost & duty according to the Custome of this place; another to John Jacobs to appear att the Councill house on Tuesday at ten in the morning with his accounts.

Ordered — That where Judgment hath passed in any former Court within this Territory & Dominion and execution hath not been taken out and levyed, the party for whome Judgment hath passed shall have a Writt of scire facias from the Secretary or Clerk of the Court, whence a New Execution should proceed to the adverse party, to appear before the Court, that hath proper Cognizance therof, and shew cause why execution should not go out; and in case of non-appearance, or that sufficient cause be not shewn to the Court for arrest of Judgment, Judgment shall be affirmed and execution granted accordingly.

That the County Courts shall appoint in every Towne a fitting person for Clerk to take the accounts of Births and Burialls, which shall be quarterly brought into the Clerks of the County Courts for which such Clerks shall receive three pence for each name & pay one penny for every name to the Clerk of the County Court, and every person next related or concerned is hereby ordered to give notice and make payment as abovesaid, within the space of one weeke upon the penalty of five shillings, and that the severall Ministers and Justices do in like manner at every County Court make return of all the Marriages by them solemnized, and pay to the Clerk three pence for every Couple.

That Licenses for holding of Taverns, Inns, Strong Water-houses and retailers in and without Doors and Publick Victuallers, be graunted by the County Courts of the severall Shires and Provinces to which the severall Inholders shall give bond, and pay accustomed Fees and Dutyes as hath been in use, and the Treasurer and such others as shall be from time to time appointed have power granted to them to agree with the Dutyes of Excise, and no person licensed shall presume to draw, untill he hath made such agreement with the Treasurer as abovesaid. And it is *Ordered*. that none presume to draw drink upon

the penalty of five pounds for every conviction (according to the late usage) to be made before some Member of the Councill, or any two of the Justices within the County, and the Fine to be levied by Writt from such Member of the Councill or Justice and the same to be divided one half to his Maj^{tie} and return'd to his Treasury here, and the other halfe to the Informer.

For the orderly and equall appearance of Juries to serve in Courts it is *Ordered*:

That the Constables and Select Men in the severall Townes within his Maj^{ties} Territory and Dominion, do before the first day of July next give unto the severall Marshalls of the Counties in which the Townes severally lye, a full and true list of all the Freeholders & Inhabitants meet to serve on Juries, and that the Marshalls thereupon in their severall Counties, with the Assistance of one of the Justices thereunto appointed, shall prick the Pannel or Pannells, for the grand or Petty Jurors who shall be summoned by the Marshall fourteen dayes before the Court, and the pannell delivered to the Clerk of the Courts under the Marshalls hand, that they may serve accordingly.

Adjourned till June the first.

At a Councill held at Boston in New England on the 1st of June 1686.

Present — The Hon^{ble} Joseph Dudley Esq^r President.

William Stoughton, D. P.

Robert Mason

Peter Buckley

Barth^o Gedney

John Fitz Winthrop

Wait Winthrop

Edw: Tyng

John Pinchon

Rich^d Wharton

& Edw: Randolph Esq^{rs}

John Usher

Then received from the President & read a libellious paper¹ made and published by some of the late Deputies of the Generall Court signed by M^r Rawson Secr: a copy whereof follows:

Gentlemen! Wee have purused what you left with us as a true coppie of his Maj^{ties} Commission, shewed to us the 17 instant, Impowering you for the governing of his Maj^{ties} subjects inhabiting this Colony, and other places therein mentioned. You then applyed yourselves to us not as Governour and Company (but as you were pleased to tearme us) some of the principall Gentlemen and Chiefe of the Inhabitants

¹ Mass. Records, vol. v. pp. 515, 516. The clause under "Secondly," which in the Dudley Records is as follows, "That the subjects are abridged of their libertyes as Englishmen, but in the matter of legislation and in the Law of Taxes," reads as follows in the printed Mass. Records, as well as in the manuscript Records at the State House, "That the subjects are abridged of their libertyes as Englishmen, both in the matter of legislation and in the laying of Taxes."

of the severall Townes of the Massachusetts, among other discourse saying that it concerned us highly to consider what therein might be thought hard and uneasy. Upon perusall whereof, we find as we conceive :

First — That there is no certaine determinate rule for your administration of Justice, and that which is, seems to be too arbitrary.

Secondly — That the subjects are abridged of their libertyes as Englishmen, but in the matter of legislation and in the Law of Taxes, and indeed the whole unquestioned privilege of the subject, transferred upon your selves, there being not the least mention of an assembly in the Commission, and therefore wee think it also highly concerns you to consider, whether such a Comission be either safe for you or us, but if you are so satisfied therein, as that you hold your selves obliged thereby, and do take upon you the Governm^t of this People, altho' wee cannot give our assent thereto, yett hope shall demean our selves as true and loyall subjects to his Majesty, and humbly make our addresses unto God and in due time to our Gracious prince for our reliefe.

EDW : RAWSON, *Secretary*.

Dated 20 May 1686.

Ordered, That Mr. Rawson be examined about the said paper.

Upon reading the Petition of Thomas Baker praying Officers to be appointed to serve Execution, it was *Ordered*, they be appointed.

Selectmen M^r Fravery and M^r Willis attend, and propound the Town in Debt and want of reliefe.

Resolved, That the select[men] of Boston draw up a brief of their Lawes and Customes, and propose what is necessary for the benefit of the Town and reliefe of the poor.

An Address resolved to be sent to M^r Brathwayte [Blathwait] to be by him humbly presented to his Majestie.

Major Richards and Edw. Quincy Esq^{re} were sworn Justice to keep the peace.

Ordered, That John Usher Esq^{re} Treasurer send 15^{lb} of Powder and shott proportionable for the supply of the Indians Forts.

Resolved, That M^r Mason go for England, and present the Address, a coppie whereof followeth :

May it please your Majestie.

Wee account it an unspeakable satisfaction that this our first address, may take its beginning in the sincere representation of the true and unfeigned joy that wee take, and the humble thanks wee will alwayes render unto Almighty God, who hath preserved your Majesty Sacred person and Government from the late horrid Rebellion raised within your Kingdomes and soe speedily and wonderfully given a perfect defeat and issue thereunto, that the Rebels were utterly dissipated, and the heads of them brought to deserved punishment before the newes of their execrable attempt could be brought thus farr.

And whereas it hath pleased your most sacred Majesty in your princely care and wisdom, so graciously to provide for the peace & future settlement of this Your Majestyes Territory and Dominion as to grant us your Royall Commission for Government now received, and therein more especially to favour us with so large and needfull an indulgence in matters of Religion, which unto this people hath ever been and still is of most dear and tender regard.

Wee shall bee altogether wanting to ourselves & all your Maj^{ties} good subjects inhabiting within the severall Provinces now united if we should not prostrate our selves at your Maj^{ty}s feet in all humble thankfullness to your Maj^{ty} for this so early regard and care for us here, Your Majestyes commands therein, tho' but a very few dayes received have been with all chearfullness and duty persued and executed, both, by the Members of Your Maj^{ty}s Councill, and by a generall appearance and acclamation of Your Maj^{ty}s dutyfull and Loyall Subjects summoned together for that end.

Your Majestyes Councill being assembled in obedience to your Maj^{ty}s Royall Commission, do humbly pray, that we may yet receive from your Maj^{ty} such further comānds as may be necessary for your Maj^{ty}s service and the more intire dependance of this your Majestyes Territory and Dominion upon your Maj^{ty}s Sacred person and the Crown of England for future times for ever; and according to the directions and Commands given us, wee are humbly preparing to lay before your Maj^{ty} our opinion of what further methodds and rules may be judged necessary for the good Government, happy increase and growth of your Majesties plantations here, and that the happy repose and quiet of all Your Maj^{ty}s Dominions may long and ever be continued to your Maj^{ty} and the Crown of England to the Worlds end, and that the influence thereof, may never be wanting to your Maj^{ty}s Dominions in these parts, is the prayer of

Your Maj^{ty}s most dutifull and Loyall Subjects

The President and Councill of your Maj^{ty}s
Territory & Dominion of n. England.

A Letter to the Committees of Trade and Forreigne Plantations to be forthwith drawn up and sent by Robert Mason Esq^{re} to be delivered by him. A Coppie whereof followes.

In obedience to your Lordships Commands signified to us by your Lordships letter on the 30th of October last, wee humbly lay before your Lordships, that pursuant to his Majestyes Commission for the Government of this his Maj^{ty}s Territory and Dominion to us directed, wee mett at Boston on the 25th of May, and Joseph Dudley Esq^{re} President haveing first taken the Oathes in his Maj^{ty}s Commission required, did administer the same Oathes unto fourteen of the Members of his Maj^{ty}s Councill then present and entred upon the exercise of the Gov-

ernment. Our first and chiefest care was to preserve his Maj^{ty}s peace by publishing a Proclamation, Impowering all Constables to continue in their places till others be appointed to succeed. And wee also commissioned fitting persons to be Justices for keeping the peace in Counties and the principall Townes belonging to this Government.

Our next care was to intrust the Militia in the hands of persons well affected to his Maj^{ty}, the chiefest whereof being Members of the Councill.

The Castle of Boston a place of great importance to this Country, is now put under the care and Command of Captaine Wait-Winthrop, a person of known Loyalty. Wee have now under consideration the support of the Government which wee find loaden with debts and no money to be found, and are examineing the account of the Treasury to the late Government. Wee are also preparing strict methods for the pursuance of the Acts of Trade and Navigation in every Port of this Government and with all chearfullness shall apply our selves to the severall Branches of Instructions contain'd in your Lordships letters.

Wee may not omitt humbly to represent to your Lordships, that there being no direction for a supply of Members into his Maj^{ty}s Councill except only in the case of death, whereas by the removall, constant sickness, or other avoidance of any of the Members, His Majestyes Councill may sometimes faile of a Quorum or more full appearance, needfull for his Maj^{ty}s service; it is therefore humbly offered, that in such cases wherein there appeares an impossibilitie or refusall of service, His Maj^{ty} would graciously grant that a supply of Members may be appointed as in case of Death.

M^r Mason one of the Members of this his Majestyes Councill here, to whom wee have recommended the presenting of our humble address to his Maj^{ty} & these papers to your Lordships, and who will be attending upon his Maj^{ty} sometime in his own affair, will further inform your Lordships, that your Letters and recommendations of M^r Robert Ratcliffe to the performance of his function here, hath been communicated to us and the Gentlemen and other Inhabitants in Boston, who do attend the worship of God with him, shall want no encouragement from us for a good supply and maintainance by their means.

Ordered — That Capt Jenner stay and take M^r Mason on Board.

Ordered — That the Treasurer lay in Provisions on Board Captaine Jenner for M^r Masons entertainm^t and also pay his passage, and M^r Shippen to return his money.

Adjourned till to morrow.

At a Councill held in Boston in New England June the 2nd 1686.

Present: The Honorable Joseph Dudley Esq^r President

William Stoughton Esq^r D. P.

John Fitz-Winthrop	Wait-Winthrop	John Usher
John Pinchon	Rich ^d Wharton	Edw. Tyng
Peter Bulkeley	Barth ^o : Gedney	& Edw: Randolph Esq ^{rs}

Ordered—That for the present support of the Government its thought necessary to continue the duty of one penny in the pound upon goods brought from England, untill his Maj^{ties} pleasure be fully known therein.

The necessity of an Assembly discoursed

Ordered. That the duties of Excise and Impost be continued and be levyed and collected by the Treasurer for the support of his Maj^{ties} Government here established. For impost viz^t.

For every Pipe or Butt of Fyall wines — ten shillings

And for any wines of the Western Islands	£ “ 10. ^s “ ^d
For Medera wines	“ 13. 4.
“ Butt or Pipe of Sherry Sack Malaga	“
Muscadells, Tent & Allicant wines	“ 1
Every Hogshead of strong Waters	1.

For Excise as formerly; and for the present better settlement of this service and more full direction and enabling of the said Treasurer to perform his trust:

It is *Ordered* and *Declared* That the severall beforementioned rates and duties shall be collected as formerly according to such rules, methods and directions as hath been lately used and in force, and the said Treasurer is impowered to have such Officers under him as he shall find needfull to collect the same.

Ordered That no Person break bulk and unload untill he hath made entry with the Treasurer or Officers under him, the quantity or quality of such Wines & Licquors upon Oath if the Master be thereunto required, and that no goods be landed upon any Key or Wharffe, or any other place but upon the Key where his Maj^{ties} Storehouse is, unless security be given by the Master or the persons to whome the Wines &c are consigned, or money paid for their respective duties, upon forfeiture of the said goods.

Ordered. That every Vintner or other Retailer of any Wine &c. do within thirty dayes next after the publication of this Order, attend the Treasurer, or Committee to be appointed at the Town of Boston, and account for their arrears, and renew their licences, and also give bond for their excise according to former usage, and further: that those persons who shall presume to sell or vent any wine, Licquor or strong drink untill they have agreed with the Treasurer or any of his Officers, shall

for the first offence pay five pounds money, and for the second offence be proceeded against as the Statutes of England direct.

Ordered that the Treasurer, or his Officers collect the Powder duty viz^t: twelve pence per Ton or one pound of Powder, for the supply of his Maj^{ty}s Castles and Forts according to former custome.

Further Ordered That the Treasurer take immediate care for the security of Trade for Pelfry and Beaver with the Indians, and that no person presume to Trade for either of them, without the Treasurers Licence upon penalty of the former Laws and usage of this place; the Province of New Hampshire excepted.

Ordered—That the Fees to be paid in all Tryalls and issues at Law, do in no case pass the following prizes viz^t:

In the tryall of small cases.

	s	d
For one attachment or summons	£ “ 1	.
“ a subpena to summons witness		3.
“ Entrance		3. 4.
“ filing the papers each	“	2.
“ confessing Judgment	“	6.
“ Judgment entering	1	.
“ Execution	2	.
“ Affidavit out of Court	1	.
“ Acknowledging of Deeds & other Instruments.	2.	6.
If the deed be above 100 ^{lb}	5.	.
In tryalls of the County Court.	“	.
For Stamping the writt in the Secretarys office.	“	4.
“ attachment if above a 100 ^{lb}	2.	.
“ the Juries for every verdict	6.	.
“ entrance of the Action	10.	.
“ Confessing Judgment	2.	.
“ additionall entrance of Judgment if above 20 pounds	10.	.
“ Licence to keep publicque houses	5.	.
“ Judgment	2	.
“ Execution	2.	6.
“ Probate of a Will and Administration, copies of a Will, attestation and Inventory	6	.
If the Estate be above 200 ^{lb}	7	.
In the Appeals before the Presid ^t & Council.		
For Entrance	£ 1.	“ “
“ Judgment	“	5.
“ serving executions, accustomed Fees.		
“ returne of a Proclamation	“	1
“ serving a Replevin	“	1. 6
“ release of a Fellon	“	1. 6
besides accustomed Fees for Travell.		

The Keepers Fees in all cases as are accustomed: s d

The Coroners Fees.

For the inquisition of untimely death and of the goods
of the deceased £ 1. “ “

Besides allowance for Travell.

And where no goods from the Country. “ 13. 4

Officers for the severall Courts settled. viz:

For Suffolk.

Daniel Allen	{	Clerks.	John Winchcomb	{	Marshalls.
Thomas Dudley			Nathaniel Page		

John Blake Coroner.

For Essex.

Samuell Sewall Clerk.

Jeremiah Neal Marshall

Samuel Gardner Coroner

For Hampshire

John Holycake	{	clerks.
Samuell Patrick		

Samuel Marshfield Marshall

Joseph Hawley Coroner.

For the Province of New Hampshire.

Richard Chamberlaine Esq^{re} Clerke

Pheasant Estwick Coroner.

Ordered That Major Buckly and Cap^t Ting, do swear the Justices of the peace at Cambridge for the County of Middlesex on Saturday next.

That the President have an honourable maintenance when tis known how the Revenue will arise, and that M^r Paige have five pounds a quarter for his attendance on the President.

Ordered. That the Proclamation for continuing Rates and Impost upon Wine &c. with the following proclamation to prevent Fire be published.

Whereas the late Government hath by an Act bearing date the 17th of November 1683, and by another Act on the 13th of February following made prudent provision to prevent the danger of Fire in Boston by ordering and enjoining all buildings to be of Brick or Stone and covered with slate or tile, and information being given that sundry wooden buildings are intended and begun :

It is hereby declared: that the aforesaid Acts and every clause therein are thought needfull & are hereby continued in force, and the select Men, Grand Jurymen and Constables are also hereby required to take care the afores^d Act be exactly observed till further order be given therein.

The Votes of the Towne for levying rates for supply of the poor

and the Townes occasions, also for finishing the Almes house are allowed, and the Select Men and Committee appointed in that affair are impowered to take effectuall care to pursue and execute the same, and from time to time shall make Report to the President and Councill of what they shall raise thereon, and this to be of force till further order.

In answer to the motion of the select Men of Boston, shewing that there Town Treasury is so exhausted that they stand in need of a present supply for maintenance of the poor &c. They are ordered to proceed in due and equall manner to levy the same upon the Inhabitants and the Estates of the Towne.

Ordered. That the Right and Priviledge of the Indian Trade at Pojepscott, and in the late land belonging to M^r Thomas Purchass shall be reserved to Richard Wharton Esq^r his heires and Assignes in as ample and beneficiall manner as the said M^r Purchass or his Agents at any time heretofore enjoyed the same.

Ordered That Instructions be drawn up for Robert Mason Esq^r now bound for England — Copie whereof followes: That our addresses to his Maj^{tie} and Lords Com^{tees} for Trade and Foreign Plantations, be by the Secretary delivered and recommended to M^r Masons convenience, and he requested with M^r Blathwayte humbly to present the same.

Further: That the Secretary draw up and deliver to M^r Mason, and desire him to lodge with M^r Blathwayte a Memoriall that if Judgment pass against Road Island and Connecticut, or they resigne, it will be of great Importance and satisfaction to all his Maj^{ties} subjects in those and this Colony to be annexed under the same Government, at least that the free commerce that hath alwayes been between the said Colonies may be continued, without which neither can subsist.

That it will be much for his Maj^{ties} service, and needfull for the support of the Government, & prosperity of all these Plantations, to allow a well regulated Assembly to represent the people in making needfull lawes and levyes.

That in regard our Mint being disallowed by his late Maj^{ty}, being not by his license erected, nor haveing his Royall Impress, hath long time discontinued, and wee haveing no staple commodities to pass current in payments as in other Plantations, by which our Trade for want of money is much perplexed and decayed.

That his Maj^{ties} Licence, direction and Impress be seasonably prayed, for establishing a Mint in this his Dominion, with an allowance of such alloy, or abatement in weight, as may secure our money from Transportation, and that M^r Blathwayt be desired upon all good occasions to lay such memoriall before the Lords of the Councill, with signification, that as soon as the Government is settled, the Queries sent

by their Lordships will be answered, and such other matters as may be of importance, will be humbly offered to their consideration.

That all Sugar imported from any of his Maj^{ty}s West Indies Plantations to New England and Shipped off from thence to Engl^d may have an abatement of so much of the duties as is made appear by certificate to have been duely paid in the Plantations.

That all Tobacco shipp'd from New England to London have the penny in the pound abated.

Adjourned till tomorrow.

At a Councill held at Boston in New England June the 3rd 1686

Present: The Hon^{ble} Joseph Dudley Esq^{re} President

William Stoughton Esq^{re}

John Fitz Winthrop

Wait Winthrop

John Usher

John Pinchon

Rich^d Wharton

Edw: Tyng

Peter Bulkley

Barth^o Gedney

& Edw: Randolph Esq^{rs}

Ordered That Major Buckley do enjoy & execute the Office of Provost Marshall, and that the County Marshalls hold of him as Deputies and pay him each part & portion of their Fees from time to time as the President & Councill shall hereafter determine.

A Present of a hundred pound be paid to the President out of the first moneys raised by the Treasurer.

The Treasurer is impowred to farm out the Excise.

Ordered That Captaine Edward Ting have the command of Fort Loyoll and a yearly maintenance annexed to it.

Adjourned till the eight of this month.

At a Councill held at Boston in New England June 8th 1686.

Present: The Hon^{ble} Joseph Dudley, Esq^{re} President

William Stoughton D. P.

Peter Bulkley

Barth^o Gedney

Wait Winthrop

John Usher

Rich. Wharton

& Edw: Randolph Esq^{rs}

Ordered. That the County Court of Hampshire be holden severally, and that an Office be settled at Newberry for that Town and the Townes of Rowley, Bradford, Haverill and Amsberry, and that the severall Clerks, besides the Fee of five shillings for himselfe & the Judge (with addition according to late usage for larger Wills and Inventories) shall also for all Estates below two hundred pounds receive one shilling for a duty to the Secretary, and for all above that summe two shillings, and that the said Wills and Testaments doe remaine on File in the severall Offices and Places with the Clerks as above, and that the severall Clerks do returne unto the Secretary Quarterly (togeather with his Fees) a File of the names of all the Testators, Exec^{ts} Intestates & Administrators, with the value of the Inventory to be Filed in the Registry.

Captaine Thomas Prentice sworne a Justice of the Peace for the County of Middlesex.

Ordered That the former allowance be paid to Capⁿ Tyng till further order for his support, and that the Fort be made use of as a prison for the present.

Ordered That John Masterson pay the arrears due to Capⁿ Ting.

June the 21st is appointed a Court at the Narraganset Country, and Nicholas Manning to be Marshall of Falmouth and places adjoining.

Adjourned till the 10th of June.

At a Councill held in Boston in New England, June 8th 1686 (qu^e June 10th)

Present: The Hon^{ble} Joseph Dudley, Esq^{re} President

William Stoughton D. P.

Peter Bulkeley

Richard Wharton

John Usher &

Wait Winthrop

Barth^o Gedney

Edw: Randolph Esq^{rs}

Ordered That Surveyors of Shippes in Boston have four shillings per diem.

A Commission for Major Palmes to be a Justice of the Peace, in the Kings Province.

Ordered. That Capⁿ Edward Ting, & Capⁿ Charles Frost have power to grant originall Writts.

Ordered. That the Bounds of all Townships shall be and continue as heretofore settled, and that they shall be run between Town and Towne for time and manner as hath been formerly required and used, and that each Town have the same liberty and power of choosing & Instructing their Select Men, Constables and other Officers, for the management of their own affairs as they have used and exercised, and all such Elections to be made by the Freeholders in every Towne.

Ordered That all Contracts, Agreements & orders regularly made in any Towne respecting either their Ministers or School-Masters as to their maintainance, or any other person concerned in the Publicque Benefit of the Towne, shall remaine good and valid for the whole time that they were made for, and shall accordingly be pursued, put in execution and fulfilled.

For the defraying of all Publicque Towne charge & also for the future raising thereof:

It is *Ordered.* That whatsoever summe or summes shall be granted by the Inhabitants for that and in any of their Towne Meetings regularly Assembled, shall be by the Select Men first presented to two of the next Justices of the Peace, within the same County, or to one of the Members of the Councill therein resident, to be by him or them allowed and underwritten, which being so obtained, the Select Men or such Raters as shall be especially chosen by the Town for that ser-

vice, shall assess the said sums upon each perticular Inhabitant, which is within their Towne, (the Members of his Maj^{ty}s Councill excepted) in due proportion to their known abilityes and Estates and thereof shall make a distinct and perfect list under their hands, setting down every mans name and perticular proportion, with which list so perfected the Select Men shall apply themselves to one of the Justices the Peace for that County, or to any Member of the Councill who shall make his warrant thereupon under his hand and seal directed to the Constables of each Town respectively, for the speedy levying and Collecting of all such assessments within a fitting time prefixed, with power of distress in case of refusall or neglect of payment by any one, as formerly, and all sums so collected shall be by the Constables carefully and duely paid in, according as the Select Men shall appoint, and if any Constable shall neglect to perform his duty in the premises, he shall be lyable to respond all such sums, as through his default shall not be collected and paid in.

Ordered That the severall Committees in small Towns and villages put in power for the Government of the same by the former Govern^t be, and are hereby continued till further order.

The Narraganset Country is not to be understood to be anywayes concerned in this order, because yet unsettled.

Adjourned till to morrow.

At a Councill held in Boston in New England June 11th 1686.

Present: The Hon^{ble} Joseph Dudley, President.

William Stoughton D. P.

Peter Bulkeley Richard Wharton & Edw: Randolph
Wait Winthrop John Usher Esq^{rs}

Ordered. That M^r Treasurer write to the Select Men of Boston to remove the Powder laid in the Warehouses by the Town Dock.

Upon the petition and complaint of George Dawson of Boston, setting forth great damages sustein'd by Captⁿ Wing in his Lott of Lands in the Towne of Worster.

It is *Ordered.* That Major Gookin, Captⁿ Prentice M^r Bond of Watertowne, Captⁿ Joseph Lindes of Charlestowne, and Deacon Haines of Sudbury be appointed a Committee for setling of the Lotts of that Towne & that three of the said Committee be a Quorum, whereof Major Gookin to be one, to meet within fourteen dayes after the date of this order.

Ordered. That Major Palmes of New London be a Justice of the peace and of the Quorum in the Kings Province.

Then the President took the following Oath in Councill to observe the Acts of Trade & Navigation:

You shall swear that you will to the best of your skill and power so

long as you shall continue in the Government or Command of this territory & Plantation well and truly execute and perform, and cause to be executed and performed all matters and things which by the Statute made in the twelvth year of his late Maj^{ty}s Reigne intituled an Act for the encouraging and increasing of shipping and Navigation, & by the other Statute made in the fifteenth year of his s^d Ma^{ty}s reigne, Intituled: an Act for the encouragem^t of Trade; you are required as President or Commander of this Territory and Dominion to be sworn to the performance of. *So help you God.*

a Committee appointed to enquire & to represent such methods in Trade &c. to the Lords of his Majestys Councill, as might be for the emprovement & benefit of this his Maj^{ty}s Government directed:

To Captⁿ Blackwell, Symon Lindes & other Gentlemen in Boston.

To Captⁿ Russell, Captⁿ Sprague & other Gentlemen in Charles-Towne.

To Major Gidney, M^r Browne and other Gentlemen in Salem.

To M^r Hinks, M^r Walden and other Gentlemen in Piscataqua. (a Coppy follows).

Whereas the Lords Committee for Trade & Forreigne Plantations, have been pleased to recommend unto us sundry heads of Inquiry, and have required us to give their Lordships a constant account of all things which in our direction [discretion?] wee shall think reasonable for his Maj^{ty}s Service their Lordships Information and the discharge of the trust reposed in us, to the end their Lordships may be able to carry on their observations, and from their knowledge of the affaires and occurances give his Maj^{ty} a true representation of the state and condition of this his Maj^{ty}s Plantation, and among many other things, their Lordships haveing particularly required that wee make known unto them what obstructions wee find in the improvement of Trade and Navigation and what advantages may be gained to recover and improve the same, and wee find it our duty, and the great concernm^t of all within this His Maj^{ty}s Territory and Dominion thankfully to acknowledge their Lordships favour, & to emprove the good occation offered to serve his Maj^{ty}, and being under his gracious cognizence & consideration matters of so great importance for the growth and prosperity of this Plantation, we have thought meet, and do hereby constitute, ordein and appoint you the aforesaid John Blackwell, Symon Lynds, Sam^l Shrimpton, James Russell Esquires, James Whitcomb, John Saffin, Sampson Sheaf, James Loyd, Humphrey Luscomb, John Nelson, Charles Lidgett, Nathaniel Oliver and John Foster of Boston Merchants, Capⁿ James Russell, Captⁿ John Phillips, Captⁿ Richard Sprague, Joseph Lynde & Captⁿ Zachariah Long of Charlestowne, W^m Brown Jun^r and John Hathorn Esq^r, Captⁿ Jonathan Corwin, Benjamin Browne, Captⁿ John Prise, Captⁿ John Higginsett, William Hurst and Charles

Redford of Salem Merchans, William Vaughan, Rich^d Martin, Esq^{rs}, Nathaniel Fryar, Richard Walden Junior, Robert Elliott, Rubin Hull of Piscataqua Merchants, to be a grand and standing Committee, and wee doe hereby authorize, Impower, and request you or soe many of you being not at any time under the number of seaven whereof the said John Blackwell, Symon Lyndes, Sam^l Shrimpton or James Russell to be one as can conveniently meet togeather, at the appointment of the s^d Jn^o Blackwell, Symon Lynds, Samuel Shrimpton to convene at Boston, and being there assembled to observe, inquire, examine, debate, consult, and consider of all and every matter, and thing that in your discretion you shall think may any way contribute to your Information in the matter premised, and in all other particulars that shall be recommended to you, and you especially with the greatest accurancy and speed consider & determine upon the late present discouragements & obstructions in Trade and Navigation, and the methòds needfull to recover and advance the same, and what other matters may occur to your thoughts or knowledge though not particularly recommended, that you Judge may probably conduce to his Maj^{ty}'s satisfaction and service and the publicque good and prosperity of the Plantations under his Maj^{ty}'s Govern^t here, & after due mañers used for a Generall Convention, so many as may assemble at the time & place appointed, may adjourne from such time to time & place to place as to them shall seem expedient, & haveing duly examined, debated and considered the matters that are or may be recommended, you are from time to time to draw up and under your hands and seals deliver to us a Report of such Collections, Conclusions and determinations as you shall make thereon. And wee further ordein and appoint you, the Gentlemen of the severall Townes, of Boston, Charles-Towne &c. Committees for the said Townes where you Inhabit and the Members thereof, and do Impower and request you to make strict inquiry and observation into the state and condition of your severall Townes, and to inform your selves what annoyances, inconveniences, disorders and greviances are burthensome, and by what methods the same may be removed, and eased and such improvements made in such Townes as naturall or any accident or hopefull advantage offer for their prosperity, that so farr as the same may be consistant with the publicque good of this His Maj^{ty}'s Territory and Dominion, or may give encouragement therein or recommend the same to the Lords Committees aforesaid.

M^r Secretary, M^r Wharton, and M^r Treasurer (with any other Member of his Maj^{ty}'s Councill here) are appointed to settle the Provost Marshall's Fees.

Adjourned till the 13th of this Month.

June 13th*Present:* Joseph Dudley Esquire President

William Stoughton Esq. D. Pr.

Edward Randolph and John Usher Esq^{rs}.

Who not makeing a full Councill (no business was done that day) only a letter writt by the Presid^t to Edward Rawson Esq^r late Secr. of the Massachusetts Colony and accordingly sent (a Copie whereof follows)

Whereas it hath pleased his Maj^{ty} in the settlem^t of the Government of this His Maj^{ty}'s Territory & Dominion to appoint and Commissionate Edward Randolph Esq^r to be the Secretary and Register of this his Maj^{ty}'s said Governm^t and Dominion.

These are therefore in his Maj^{ty}'s name to order & require you to deliver into the said M^r Randolphs hands the Books, Records, Files, and other utensells belonging to the said Office of Secretary late exercised by your selfe, that they may be safely disposed and managed for his Maj^{ty}'s service according to the directions that are or may be given unto the said Edw: Randolph, and hereof you may not fail.

J. Dudley P.

Adjourned till tomorrow.

At a Councill held at Boston in New England June 14th 1686.

Present: Joseph Dudley Esquire President

William Stoughton, D. P.

Wait Winthrop

Barth^o Gedney

John Usher

Richard Wharton

and Edw. Randolph

Esq^{rs}.

Upon application of the Keeper of the Prison in Boston, that some persons in Scituate had prosecuted George the Indian to a Judgment of Transportation, & they not haveing attended that Judgment the Treasurer is ordered to sell George the Indian (but not to exceed seaven years) and to apply him to work to satisfie his Fees.

Elisha Hutchinson refused a Commission for Capt^{ne} of the Foot Companies in Boston.

Adjourned till to morrow.

Present: as yesterday, 15 June.

Ordered. That M^r Nowell do attend on Thursday next with his accompts of Treasurey.

Ordered. That M^r Pheasant Estwick be Water Bayley on both sides of the River Piscataqua.

Ordered. That the Books of Records of the Narrogansett Lands be brought to the Councill on Thursday next.

M^r Willis one of the Townsmen of Boston, presented a paper relating to the Towne.

Ordered. That M^r John Appleton of Ipswich be Clerke of the Court of Pleas for the County of Essex holden at Ipswich aforesaid.

Adjourned till the 17th of this Month

Present: Joseph Dudley Esquire President. 17. June

William Stoughton D. P.

Peter Bulkley

Richard Wharton

John Usher

Wait Winthrop

Barth^o Gedney

& Edw: Randolph Esq^r

Upon reading the application of Captⁿ Jo: Twing and other Proprietors of the New Village of Worster for a Com^{tee} to regulate their affaires, granting Lotts, and Governing the place as hath been in use, for the better settlement thereof;

It is *Ordered* that Major Daniel Gookin, Captⁿ Tho^s Prentice, Major Bond of Watertowne, Captⁿ Joseph Lynde and Deacon Haines of Sudbury or any three of them be a Comm^{tee} (whereof Major Gookin to be alwayes one of the Quorum) to order and regulate all matters relating to the settlement of the said Plantation, haveing alwayes respect to the confirmation of those Lands, that were granted (and in part or in all laid out by Daniel Hinchman or order) to the severall proprietors thereof.

The Petition of John Marshall (Keeper of the Councill house praying his arrears of five pounds due for one years service might be allowed and paid) was read, & an order was accordingly made directing M^r Nowel the late Treasurer to pay the said John Marshall five pounds.

Upon a motion made by Edward Randolph Esq^r one of his Maj^{ties} Councill, that M^r William Rawson formerly employed by the late Secretary his Father in delivering Warrants and other services relating to the publicque affaires.

Ordered. That the said William Rawson be made, and allowed, a Messenger Extraordinary to the Secretaryes office, and for his service to be free from all trainings and watchings (as was formerly granted him by the late Governour and Company of this Colony.)

Ordered. That the Book of Narragansett Records (brought to the Councill by M^r Saffin & M^r Hutchinson) be allowed a Booke of Records and referred to Major Pincheon, Major Gidney and Captⁿ Jonathan Tyng to be examined and reported upon, and that they be kept a Registry in Marimack County or Kings Province, as in the order mentioned in the said Booke.

Adjourned till to morrow morning.

At a Councill held at Boston June 18th 1686.

Present : Joseph Dudley. Esquire President.

William Stoughton Esq^r D. P.

Captain Winthrop Edw: Randolph John Usher

Rich. Wharton Jonathan Tyng Esq^{rs}

Ordered. That no Shipps do unliver any part of their Loading in the Isles of Shoals, before they have first entred with the Collector of his Majestys Customes, & also with the Officer for receiveing his Maj^{ty}s imposts & Revenues arising upon wine, Rum &c^a imported either in Boston, Salem or Piscataqua; and that all Ships & Vessells tradeing to the Eastward of Cape Porpus, shall enter at some of the aforesaid Ports, or at the Town of Falmouth in the Province of Maine.

Ordered. That any person presumeing to sell, or deliver any strong Beer, Wine, Cyder, Rum or any other strong drinke, to any Indian or Negroe, without express licence from some of his Maj^{ty}s Councill, or any two Justices of the peace, shall be fined and have execution thereupon made against him, by him or them, before whom convicted [conviction?] was made, the fine not exceeding five pounds, and the Offender to be Committed to prison untill paid or satisfaction be made according to the usage of the late Government.

Thomas Scottow (Sworn Clerk of the Province of Maine) is impowred to demand, and ordered to take into his Keepings the Records of M^r Rushworth, late Register of that Province.

Ordered. That the Treasurer deliver four Fire Armes to Captaine Edward Ting for the service of the Fort in Cascoa.

Adjourned till the 1st of July.

At a Councill held in Boston July the 1st 1686.

Present : Joseph Dudley Esquire Presid^t

William Stoughton, Esq^r D. P.

Edward Randolph Wayt Winthrop and

Richard Wharton John Usher Jonathan Tyng, Esq^{rs}

Upon reading the humble Petition of Isaac Johnston, Timothy Cutler, John Simpson & Jacob Hurd Constables of Charlestowne for some years past, praying to be impowred to gather in the mony due to them from severall of the Inhabitants of the s^d Towne, or otherwise to be freed and discharged from the Towne, who accounted the aforesaid Constables lyable for the full payment of their rates.

It is *Ordered* That the late Constables do proceed against them according to the way of recovering of small debts by the Common Law, and this to be a rule in all like cases.

The Secretary Sworn and tooke the Oath following :

Whereas you are by his Maj^{ty} Commission appointed Secretary and Register of this his Maj^{ty}s Territory and Dominion of New England,

you shall swear that you will faithfully and Lawfully manage and perform the same service as Secretary and Register, keeping true Records of all things proper for your Office & fairly writing and filing all such copies and papers as are committed to you, and you are to demean your selfe according to the charge and duty of your place, to the best of your skill and knowledge.

M^r John Usher sworn Treasurer & accordingly took the following Oath.

Whereas you John Usher Esq^r are by the Presid^t and Councill chosen and appointed Treasurer and Receiver Generall of his Maj^{ty}s Revenues, Incomes, Fines, and Forfeitures, raised and taken within this Territory by Excise, Impost, &c. for the support of the Government according to his Maj^{ty}s Royall Commission.

You shall therefore swear, that you will faithfully and diligently intend to execute the duty of your place in Collecting receiveing and accompting for all such publick means, and the same distribute and pay according to such orders, as from time to time you shall receive from the President and Councill for the time being.

M^r Robert Ratcliffes paper desireing an honourable maintainance and good encouragement (sutable for a Minister of the Church of England) was read & thereupon *Ordered*

That M^r Liscomb and others do consider and make Report (of what his Auditors have agreed) to the Councill.

Adjourned till to the eighth of this Month.

At a Councill held at Boston in New England July 8th 1686.

Present: Joseph Dudley Esq^{re} President.

William Stoughton, Esq^{re} D. P.

Edward Randolph

Major Buckley

Wayt Winthrop

Richard Wharton

John Usher Esq^{re}

Upon reading the Petition of George Danson of Boston desireing M^r Pratts attendance on this Board,

It is *ordered*: That M^r Pratt attend on Thursday next, and that the Proprietors produce their Deed mentioned in Danson's Petition.

The Elutheria Petition deferr'd

The Petition of the Committee of Salem Village read and referr'd to Major Gidney.

Michael Man, Master of the Ketch Prosperous of Piscataqua (being seized for his Maj^{ty}) made Oath in Councill; that he had brought severall goods from Newfoundland, which he had in Barter from the Inhabitants there, and thereupon:

Ordered. That the seizure should be taken off, and the Vessell with her goods sett at Liberty.

James Russells Petition (of Charlestown) setting forth his disbursements of mony (for the Colony of the Massachusetts) diverse times, in

making up accounts with their Com^{ties} by which means, there is due to him three hundred pounds, and complaining, that the Constables in the severall Townes have delayed to procure money, which they have promised, and others have also neglected payment by reason of their expectation of the change of Government was read.

And thereupon *Ordered* that the severall Constables that have neglected to pay the Rates Committed to them together for the said yeares are and shall be accomptant unto the said Petitioner, who is directed to pursue them in Law for the same in case they do not otherwise Comply with them.

Ordered: That M^r Cushin attend the Councill on Thursday next to take the Oath of a Justice of the Peace.

Upon complaint made by the Townsmen of Boston, that great quantities of Gunpowder is laid in the midst of the Towne.

It is *Ordered* that the Townesmen do cause the powder to be removed forthwith, into some convenient remote place by them appointed, and to give notice to all persons concerned, that it may be removed accordingly; and if the said Townsmen be at the charge of removall, the Powder shall answer it, and if need require to pay for its being watched, in the place where it shall be lodged, and that M^r Giles Dyer be ordered to direct the Merchants upon landing Powder where it shall be lodged, and that one of the Marshalls do give notice thereof to all persons concerned in the said goods now in Towne.

His Maj^{ty}s letter relateing to Edward Gove was read, but upon his non appearance there was nothing done in that matter this day.

A letter from Major Pincheon from Springfield dated July the 1st 1686 informing . . . us of the Incroachment of the Inhabitants of Windsor, especially of the Captⁿ of Newburys, invading the Southern bounds of Enfield and Suffield belonging to this Government.

Upon reading Pen Townsends Petition setting forth the great damage that will arise upon the hinderance of his Shipp unlivery lately arrived from Oleroon — it is this day,

Ordered That James Bayley Master of the Shipp Friendship, have liberty to land and dispose of his Salt, he giving the Keyes of the House where the salt shall be landed, or security to Edward Randolph Esq^r: Collector of his Maj^{ty}s Customes, and in case of condemnation to respond for the same.

Adjourned till the 12th of this Month.

Present at a Councill &c. 12th July.

Joseph Dudley Esq^r President.

William Stoughton Esq^r D. P.

Edward Randolph

Rich^d Wharton

John Usher

Peter Buckley

Wait Winthrope

& Jonathan Tyng Esq^{rs}

Upon reading his Maj^{ty}s gracious Letter bearing date at Whitehall the 12th of Aprill 1686 in the second year of his Maj^{ty}s reigne, directed to us his Maj^{ty}s President and Councill of this his Maj^{ty}s Territory and Dominion, signifying that he hath pardoned Edward Gove of his crime of high Treason &c. authorizeing and requiring us to restore the said Gove to his Estate and to the possession thereof in such manner & form, as if he had not been convicted.

Ordered. That the Justices of the Peace or Martiall of the Province of New Hampshire give an account of what houses and lands were in the possession of Edw: Gove at the time of his conviction, that he may have an order to be repossessed of them pursuant to his Majestys Letter.

Ordered — That M^r. Pheasant Eastwick be Marshall of the Province of New Hampshire, and he is hereby appointed accordingly.

Upon reading the Petition of John Blackwell Samuell Shrimpton and Charles Lidgett Esq^{rs} on behalf of themselves and divers others his Maj^{ty}s Loyall subjects as well in England as in this his Maj^{ty}s Territory and Dominion, shewing their purchase of Wamalanset Chief Indian Sachem on Merimack River, as also of Robert Mason Esq^{re} who challenged an Interest therein under grant from his Maj^{ty}s Royall Progenitors, and of other his Maj^{ty}s subjects former purchassers of and legally intituled to some considerable part thereof, severall Tracts of Land on both sides of said River of Merimack & Lake of Wenoposiocho thereunto adjoyning together with the said River from the said Lake down to the Sea and the Royalties and sole right thereof to them selves their heires and Assigns, intending a considerable Plantation there if they might receive the countenance of his Maj^{ty}s authority in so doing; also shewing that the s^d Purchassers were made dureing the time of the late Government here and the Deeds and Grants acknowledged before the then Magistrates, and duely Registered as the Laws required; but others of them and also some Generall Deeds comprizing the whole from the said Sachim and M^r. Mason remaine unregistered by reason of the late uncertainty & invalidity of those Lawes and Jurisdictions, but in as much as his Maj^{ty} hath substituted us, the President and Councill as well of the Massachusetts Colony as of the Province of New Hampshire, wherein the greatest part if not the whole premises lye, and commissioned a Register for Recording Deeds and Conveyances, for the latter ascertaining their title to all and singular the premises, praying our allowance of the said purchases, and order for Registering all the Deeds and Conveyances thereof as approved by us, desiring our appointment and nomination of the premises (with the addition of the Townships of Concord, Chelmsford, Groton, Lancaster, Stow and Dunstable, as also of twelve miles more in breadth of the unplanted wilderness land, lying in a straight

parrallell line on the west side thereof (from end to end) a County to be called by the name of Merrimack County, annexing the Conservation of the said River to the Petitioners the purchasers thereof

Ordered. That the above mentioned Petition be granted.

Provided. That the Deeds not already Registered be according to the order of the President and Councill lately made, acknowledged before some Member of the Councill before they pass to the Registry, and that the said Lands with the addition of twelve miles on the Westward & the Townes therein mentioned be raised into a particular County, saveing to particular persons their just challenge of any rights in the soyle within the said Tract.

Provided the same be challenged and pursued in Law within the space of three yeares next, or such further time, as his Maj^{ty} shall please to allow to pursue titles to wast Lands, and also saveing to M^r William Wharton his right to the Moity of six miles Square passed to him by Jonathan Tyng Esq^r *Provided* the same be extra the six miles on the Westward of the River contained in the Deeds signed by M^r Mason & Sachem Wonolaset.

A Publick Notary to be appointed, and M^r John Haywood to receive a Deputation from M^r Secretary to execute the same.

Captⁿ John George Commander of his Maj^{ty}s Frigot the Rose appeared, and a paper read relateing to his affronting Edw: Randolph Esq^r one of his Maj^{ty}s Councill.

The Deputy President, Captⁿ Winthrop M^r Wharton and M^r Usher appointed a Com^{tee} for reviseing the Lawes.

That all the Members of the Councill be su^moned to be present on Tuesday the 20th instant.

That all Coasting Vessells, that freight to other Colonyes or Provinces make a generall entry of the contents of their Loading, and pay for their Cocquet and Clearing two sh. and sixpence, and this to be posted in the Collectors office and on the Exchange.

M^r Attorney Generalls paper relateing to an annuall provision for M^r Ratcliffs, and shewing what were raised amongst his Auditors (w^{ch} amounted to about 50^{lb} p aⁿn) was received.

Upon reading the Petition of Paul Miller Ma^r born in the City of Hamborough, Inhabitant in Boston for severall yeares.

It is *Ordered*: that Paul Miller upon takeing the oath of Allegiance be admitted a Free Denison, and to have the same priviledges and benefitts of any of his Maj^{ty}s subjects in this his Territory and Dominion.

Upon application of the French Protestants (lately arrived from S^t Christophers) to the President for admission to recide and dwell in this his Maj^{ty}s Dominion and to bring in their effects and concerns here.

Ordered. That upon the takeing the oath of Allegiance before the

President, and under his hand and seal of his Maj^{ty}s Territory and Dominion, they be allowed to reside and dwell in his Maj^{ty}s s^d Dominion, and to proceed from hence and return hither as freely as any other of his Maj^{ty}s subjects, and this to be and [an] order for all such French Protestants that shall or may come into this his Maj^{ty}s Territory and Dominion.

Adjourned till the 20th of this Month.

At a Councill held at Boston in New England July 20th 1686.

Present: Joseph Dudley Esquire President

William Stoughton Esq^r D. P.

John Pincheon

Peter Bulkeley

and John Usher,

Wait Winthrop

Rich^d Wharton

Esq^{rs}

The Colledg of Cambridge being in an unsetled posture by the late alteration of the Government, and M^r Increase Mathers dismissing himself from further care and service there, the Councill have agreed to meet there upon Fryday next 23rd Instⁿ to consider of some form of settlement thereof; M^r Mather to have notice given him of said Meeting, and be desired to be there present; likewise

Ordered: That the rules and orders drawn up by said M^r Mather referring to the Government of the Schollars there presented to the Councill for consideration be inclosed and directed unto M^r John Leverett for his own, and the other Principall Schollars (now upon the place) their purusall and consideration of what may be needfull to be further added thereto respecting the Disputations and exercises of the Graduates or any other thing.

An *Order* passed to John Usher Esq^r upon the Petition of David Dufay, to pay unto the said Dufay 30^s/. for seaven dayes service about publick writings.

Upon the complaint of Robert Williams Clerk of the Military Company in Boston (late under the Com^{and} of Captⁿ Penn Townsend) against Edmond Perkins and William Paine for defects in watching, a reference was made to Simon Linds, Esq^r one of his Maj^{ty}s Justices of the Peace to summon the persons complained of to appear before him and upon failure of giving a satisfactory answer to proceed against them according to the former Rules & usage for Delinquences of that nature.

Jonathan Hamond of the Town of Wells is appointed Marshall of the Province of Maine, and the County Court for the said Province when they meet, are Impowred to appoint one more whom they shall think suteable if they find it needfull to have two.

Ordered. That a Warrant be directed to Nathaniel Barnes late Clerk of the Commissioners Court in Boston to deliver up the Books and Files belonging unto the Records of the said Court unto M^r Daniel

Allin & M^r Thomas Dudley Clerks of the County Court, that Persons concerned may have recourse thereto for copies as they shall see meet, and the receipt of the Clerks of the said County Court shall be a full discharge for the same.

Ordered. That a short letter be drawn up and directed to M^r Edward Rushworth late Recorder of the Province of Maine to attend the former Order from the President and Council for the delivering up the Records of said Province unto M^r Thomas Scottow now appointed Recorder of the said Province; and likewise a letter be drawn up to Major Charles Frost, M^r Francis Hooke and M^r Samuell Wheelwright to desire them to accompany M^r Th^s Scottow Recorder of the Province of Main unto the Town of Wells to advise and agree upon some suteable place in the said Town where to place the Records of the s^d Province, and to assigne the certeine dayes and times for the said Scottow's attendance at his Office, that persons concerned may have recourse to the Office about their concerns, and not be necessitated to give unnecessary attendance.

M^r Joseph Hawley of Northampton is appointed Justice of the Peace for the County of Hampshire, and John Pincheon Esq^r one of the Members of his Maj^{ty}s Council do administer the Oath to him accordingly.

Upon a Motion in behalfe of sundry poor, distressed people, lately brought into this Territory from the Isle of Elutheria one of the Bohemias in the Barque Robert, Robert Drumond Master, respecting a challenge made by the said Master for their transportation,

Ordered: That Captⁿ Anthony Haywood and Captⁿ Tho^s. Smith be desired to hear the difference between the said People and Master, and issue the same if it may be, or otherwise to state and Report the matter to the Council.

Ordered: That Mungo Craford Scotchman an Inhabit^t of the Town of Boston haveing for many years past dwelt there and contributed unto publick charges upon takeing the Oath of Allegiance have certificate given him by the President under the Publick seal that he is allowed to Trade and deal and enjoy liberties and Priviledges as other his Maj^{ty}s subjects here.

John Tuftons Petition was read relateing to the wast of his Estate, and ordered that a Copie of it be sent unto John Hinks Esq^r and communicated to M^r Vaughan and others concerned to prepare some answer to be layd before the Council upon Thursday the 5th of August next or some sooner day if it may be when the Petition may be further heard.

Adjourned till Wednesday morn^g at 10 of the clock.

At a Councill held at Boston in New England July the 21st 1686.

Present: Joseph Dudley Esq^r President

William Stoughton Esq^r D. P.

John Pincheon. Peter Bulkeley Esq^{rs}

A letter sent to Bartholomew Gedney Esq^r with order for his repairing to Rowley or Ipswich to Covent before him and the Justices of the County such persons there as refused to observe the late Publicque Fast appoint^d by the President and Councill.

A letter agreed upon to be sent unto Governour Treat of Connecticot, and Major Pincheon and Wait Winthrop Esq^{rs} desired to undertake a visit to so many of the Councill of said Colony as can be conveyned at Harford by the 3^d day of August next, and Major Winthrop also written unto pursuant hereto to give his assistance to treat of affaires of Publick concern.

Pursuant to the printed order of the President and Councill for the more regular and certaine keeping the Stated Courts in the respective Countyes, Impowring Justices of the Peace to assist in the holding of County Courts, John Richards and Simon Lynde Esq^{rs} are empowred to assist in the holding of the County Courts for Suffolk untill the Councill take further order.

Adjourned till to morrow at 2 in the afternoon.

At a Councill held in Boston New England. July 22.

Present: Joseph Dudley, Esq^r President

William Stoughton D. P.

John Pincheon

Wait Winthrop

Richard Wharton

Peter Bulkeley

Barth: Gedney

John Usher Esq^{rs}

M^r Simms of Charlestown is appointed to the Office of a Justice of the Peace within the County of Middlesex.

Upon application of the Select Men of Boston, and danger of a short harvest, for prevention of inconveniency and suffering to the Inhabitants of this Government through a scarcity of Provisions, the President and Councill have thought meet and do hereby Aug. 25.
order that no sort of Corn or graine be exported or Repealed
carried out of this Government untill further order under the penalty of forfeiture of all sorts of Corn or Graine shipped or laden upon any Boat or Vessell towards exportation, and all Officers appointed to the inspection of the landing or loading off Goods are required carefully to look after all transgressions of this order, and to seize all such Corn or Graine exporting or carrying out contrary thereunto.

Ordered. That all arrears of Rates formerly assessed to the use of any Towne, the Select Men are allowed to take their action against the late Constable or Constables of their respective Townes who are behind in their account of payments, and upon recovery of such arrears to be

levyed and disposed of to the uses first intended; and the said Constables are alike allowed to proceed against the perticular persons who are behind in paying of their respective Assessment, and the like method is to be used by the Treasurer & Constables for the Collecting and gathering in the County & Country Rates that are yet standing out.

John Appleton of Ipswich, is continued in the Office of Clerk of the County Court holden there.

Cornet Thomas Davey of Westfield is appointed to the Office of Coroner for Hampshire.

Voted a confirmation of Orders made by the Select men of Boston August 1671. respecting the prevention of danger which might accrue by Gunpowder, and M^r John Fairweather appointed in the room of Captⁿ Hutcheson to make enquiry about Gunpowder according to said Orders and to provide a Room or Roomes in the Warehouses of the late M^r Robert Gibbs, & to receive the allowance of twelve pence per Barrell for lodging powder there, for every six months.

Voted a confirmation of severall printed Orders relateing to the prevention of the breaking forth and stopping the progress of fire which may happen to break out in the Towne of Boston made by the Select Men and Inhabitants of the said Towne at their respective Meetings between the yeares 1658 and 1679.

Adjourned till tomorrow.

At a Meeting of the Councill at Cambridge in New England July 23rd 1686.

Present: Joseph Dudley Esquire President

William Stoughton D. P.

John Pincheon

Wait Winthrop

Richard Wharton

Peter Bulkley

Barth^o Gedney

John Usher Esq^{rs}

Ordered. That Daniel Chevers of Cambridge in the County of Middlesex be Keeper of the Goal belonging to that County.

Major Richards, M^r Simon Lynd and Captⁿ Hammond appointed a Committee to examine the accounts of M^r Danforth as Steward of the Colledge.

Adjourned till the 26th of this month.

At a Councill held in Boston in New England July the 26th 1686.

Present: Joseph Dudley Esquire President

William Stoughton D. P.

John Pincheon

Richard Wharton

and

Wait Winthrop

John Usher

Edw. Randolph Esq^{rs}

Ordered. The oath following to be administred unto John Richards Esq^r and Symon Lynds Esq^r called as Assistants to the Judge in the

next Court of Pleas & Sessions of the Peace, to be holden at Boston 27th of July 1686.

Whereas you are appointed to assist in holding the Courts of Pleas for the County of Suffolk for the time being, and untill the President and Councill shall take further order, you shall swear that you will according to Law, from time to time, and according to your best skill and knowledge assist the Judge in holding the said Courts, for the Issuing of the Common Pleas therein depending, and administring Justice in such pleas of the Crown as are there to be determined without favour or displeasure towards any Man, *So help you God.*

Ordered That the Oath following be administred to the Attourneyes before they be admitted Attourneyes in Court :

You shall do no falshood nor deceit nor consent to any to be done in this Court, and if you know of any to be done, you shall give knowledge thereof to the Judge of this Court for the time being or some other of his Maj^{ties} Councill or Assistants of this Court, that it may be reformed ; you shall delay no Man for lucre or malice ; you shall encrease no Fees but be contented with such Fees as are by order of Councill or the Judge of this Court allowed you, or that may be allowed you in time to come. You shall plead no Plea, nor sue any Suits unlawfully to hurt any Man, but such as shall stand with Order of the Law and your Conscience, you shall not wittingly or willingly sue, nor procure to be sued any falce Suite, nor give aid, or consent to the same on paine of being expelled from the Court for ever, and further you shall use and demean your selfe in your Office of an Attorney within the Court according to your Learning and discretion. *So help you God.*

Upon the proposall of M^r Waldron the younger of the necessity of Juries to be prickt and returned to serve in the County Court of the Province of New Hampshire.

It is *Ordered* : That M^r Gearish one of his Maj^{ties} Justices of the Peace for that Province be appointed to prick a Jurie for that occasion.

Ordered : That a Commission be forthwith drawn and sent to John Hinks Esq^{re} one of his Maj^{ties} Councill at Great Island to be Captⁿ of the Fort there, and also of the Band of trained Souldiers upon that Island and places adjacent.

Ordered : That M^r Richard Waldron the younger upon payment of tenn pounds yearly to M^r Richard Chamberlaine of Portsmouth, be empowred to supply the place and Office of Clerke of the County Court, & of the Probate of Wills, and to be Deputy Register to Edward Randolph Esq^r in the Province of New Hamph^{re} upon the same tearms as M^r Scottow is Deputed in the Province of Maine, with liberty to act himselfe or recommend a fitt person to that service to be allowed of by the President and Councill.

In answer to M^r Ratcliffs desire for maintainance pursuant to the letters of the Right Hon^{ble} Com^{tee} for Trade bearing date the 30th of October 1685.

It is *Ordered*. That the Contribution money Collected in the Church where he performs divine service, be solely applied to the maintainance of M^r Ratcliffe.

Ordered. That no Powder money be paid by Vessells in this Government coming from Connecticot & Road Island and belonging to the said places.

Captⁿ George Commander of the Rose Frigott desired to attend at Five of the Clock in the afternoon.

Major Richards and the Captaines of the severall Companyes in Boston were admitted who presented a paper containing Military Orders, which being read was referred to further consideration.

The President and Councill haveing considered the necessity of appointing a perticular person to preside as Judge in the severall County Courts that may be certainly present for the direction of the Court, William Stoughton Esq^r Deputy President is hereby intreated and Impowred to take the charge and care of the severall Courts of the Countyes of Suffolk, Middlesex and Essex, for which service the President and Councill will seasonably take care that there be a reward assigned.

Ordered. That the Marshall give timely notice to Cap^t John George Commander of his Majestyes Frigott the Rose, to attend the Councill at the time appointed.

Adjourned till to morrow at 5 in the afternoon.

At a Councill held in Boston New England July the 27th 1686.

Present : Joseph Dudley Esq^r President.

William Stoughton D. P.

John Pinchon Richard Wharton and

Wait Winthrop John Usher Edw: Randolph Esq^{rs}

Ordered. That the Courts of Pleas in each County be Impowred to Chancery Peenal bonds, where the forfeitures were found by the Juries.

Ordered. That Major Pincheon have tenn pounds.

Ordered: That Major Winthrop and Captⁿ Winthrop have tenn pounds for the charge of their Journeye to Hartford.

A letter sent to Major Gedney not to fail of being at the Councill on Fryday next at one in the afternoon.

Upon reading an Information and complaint from M^r Sims of Woburn, that Lien^t Johnson, Francis Kendall, John Carter and Zachariah Snow, did not observe the day appointed by the President & Councill for humiliation; it was

Ordered : That the aforesaid Persons make their appearance before the President & Councill on Fryday next at one of the Clock in the afternoon to answer for their contempt of authority. A Letter sent to M^r Symms of Woborn to appear at that time.

Captⁿ George Commander of his Majestys Frigott the Rose, desired to appear to morrow in the afternoon.

M^r Samuells Nowell late Treasurer to the Governour and Company of the Massathussets Bay presented his account of moneyes and other answerable pay received by him dureing the time of his exercising that trust which was about one whole year.

M^r Symms sworn to the Faithfull execution of his Office.

Adjourned till the 30th of this Month.

At a Councill held in Boston New England July the 30th 1686.

Present : Joseph Dudley Esq^r President

William Stoughton D. P.

Peter Bulkley Richard Wharton and

Wayt Winthrop Barth^o Gedney Edward Randolph Esq^{rs}

Upon the humble Petition of Daniel Chevers Keeper of the Prison of Cambridge in the County of Middlesex setting forth that Robert Blood the younger (Prisoner for Debt) did upon the 25th of May 1686 (the day of the entrance of this his Maj^{ty}s Government) break prison, and because the said Cheyers could not at that time obtain a warrant to pursue and recover his said Prisoner, & humbly praying that he may have a Warr^t directed to the Marshall of Middlesex to apprehend and return the said Blood to prison untill he shall have satisfied the debt for which the execution was granted agst him.

Ordered: That the Secretary do forthwith grant his warrant to the Marshall of Middlesex to pursue the said Blood, and him to deliver up into the Custody of the said Keeper.

This day appeared W^m Johnson, Thomas Kendall and John Carter Inhabitants of the Town of Wooborn, being summoned by the President and Councill to answer the complaint of W^m Symms Esq^r for breaking the order of observing the Fast in this Governm^t and confessed their absence from the publicque Assembly that day, but in their severall defences gave great suspision of this [their?] disaffection to his Maj^{ty}s Government. *Whereupon twas Ordered* that they should take the oath of Allegiance upon paine of Imprisonment. Johnson and Carter after some demurr tooke the oath of allegiance, upon which they were acquitted paying their Fees.

Severall Depositions against John Gold of Toppsfield for speaking Seditious words against the Governm^t were presented by Major Gedney.

M^r Gold and his Suretyes entred into two hundred pound Bond to make their appearance on Thursday next in the afternoon.

Ordered. That the Ports hereafter mentioned (and no other) be the Ports of Entry, where goods may be deliverd and Shipped off. viz^t:

That Boston be the head Port of Entry for Charles Towne and Hull.

That Salem be the Port for Lynn, Gloster, Cape Ann and Marble head.

That Ipswich be the Port for Salisbury & Rawley.

That Great Island be the Port for the Town of Hampton for the Isle of Shoales, and for the Town of Kittery in the Province of Maine.

Adjourned till the 31st of July.

At a Councill held in Boston New England July the 31st 1686.

Joseph Dudley Esquire President.

William Stoughton D. P.

Peter Bulkeley Barth^o Gedney and

Rich^d Wharton John Usher Edward Randolph Esq^{rs}

Ordered: That summons be issued for the evidence against Gold of Toppsfield to appear on Thursday next.

Adjourned till Thursday next in the morning.

At a Councill held in Boston in New England August the 5th 1686.

Present: Joseph Dudley, Esq^r President.

William Stoughton D. P.

Peter Bulkeley Barth^o Gedney and

Rich^d Wharton [*sic*] Rich^d Wharton John Usher Esq^{rs}

A letter of the second of August from the Inhabitants of Portsmouth in answer to M^r Tuftons Petition was read and ordered to be considered the next Councill day.

A Letter dated the 30th of July from Portsmouth signed by M^r Hincks, Captⁿ Barefoot and others informing that the Records of that Province were removed from thence by Water to Boston by Joshua Bradbent.

M^r Chamberlain Secretary of that Province was sent for to the Councill to give an account of that matter, who acknowledged his order to his servant to deliver to Bradbent such writings as concerned M^r Mason and himselfe, but did not direct him to ask for, or remove any of the Records belonging to the said Province.

A Warrant directed to the Marshall to apprehend Broadbent, and bring him before the Councill to answer for that fact.

Ordered. That M^r Chamberlaine permit Captaine Stileman to view the Records of New Hampshire if desired by him.

John Gold of Toppsfield was brought before the President and Councill and the Witnesses then appearing makeing prooff, that the said Gold had spoken treasonable words on or about the 11th of July last, was committed to close Custody in the prison of Boston.

Ordered: That Thursday the 19th of this instant August be appointed for the Tryall of John Gold & other Prisoners in the Goal of Boston.

Ordered: That the Records of Portsmouth be return'd by Land to the Province of New Hampshire.

M^r Humphry Luscombs Petition in behalfe of himselfe and M^{rs} Abigaill Kellond of Boston Widdow, shewing that in Aprill Court last they commens'd an action against Captⁿ John Walley, of the Colony of New Plymouth, the Jury found for the Plaintives, & the Verdict accepted by the Court by Judgment was deferred till the next Court, and by the change of Governm^t it was not entred against him, praying that Justice may proceed, and the County Court directed in their case that Judgem^t might be entred and Execution come forth, or Judgem^t entred now and a scire facias granted next Court to know why Judgement should not be given, that they might not be frustrate of Judgement and execution on his attachment.

It is *Ordered:* That the County Court do affirm the Judgment in this case, and make an Entry thereof; and that if Captⁿ Walley take no care to satisfie it, the Petitioner may sue a scire facias against him the next Court, and if then a sufficient reason be not pleaded to the contrary, execution be then granted.

Ordered: That a Breif be drawn up & printed, and read in all Meeting houses to supply the necessities of the French lately arrived here in great distress, a coppie whereof followeth :

There are lately arrived fifteen French Families with a Religious Protestant Minister, who are in all Men, Women and Children, more then fourscore soules, and are such as fled from France for Religions sake, and by their long passage at sea their Doctor & twelve Men are Dead, and by other inconveniences, the living are reduced to great sickness and poverty & therefore objects of a true Christian Charity.

Alsoe fifty persons, Men, Women and Children, which were by the cruelty of the Spaniards beaten off from Elutheria (an Island of the Bohemiahs) naked and in great distress, as also many other poor French Protestants are dayly expected (as letters inform) who will bring further distress and charge with them. The President and Councill have intreated Captⁿ Elisha Hutchinson and Captⁿ Samuell Sewall to receive & distribute the same among them according to the direction of the President and Councill from time to time for their respective necessities, and to whom such are Betruusted in the severall Townes are desired to return what shall be collected; and the Ministers in the severall Townes are desired to publish this order and to put forward the people in their charity.

Adjourned till Tuesday next the 10th of this inst: Augst

At a Councill held in Boston in New England August the 10th 1686.

Present: Joseph Dudley, Esq^r President.

William Stoughton D. P.

Peter Bulkeley

Richd. Wharton

John Usher and

Rich^d Burkley [*sic*]

Barth^o Gedney

Edw. Randolph Esq^r

Ordered: That M^r William Brown with the Marshall of County of Essex prick the Pannells of the Grand and Petty Juries for the next Court of Pleas for Ipswich.

Joshua Bradbent was brought before the Councill to answer the complaint of severall Justices of the Peace belonging to the province of New Hampshire for conveying the Records of that Province to M^r Chamberlaine at Boston, he pleading it was done by mistake, upon a note sent for some paper & his adversaries not proveing any perticular against him was returned back to Prison, and an order sent to desire the Justices to examine the matter referring to said Bradbents conveying them away.

Ordered, That M^r Richard Chamberlaine do within tenn dayes next repaire to his place at Piscataqua to officiate in the Clerks and Recorders place, or otherwise Captⁿ Stileman to officiate there untill further order.

Ordered: That the Records of New Hampshire lately brought from thence be by M^r Chamberlaine committed to Captⁿ Stileman & Captⁿ John Pickering to be returned again and delivered to John Hincks Esq^r to be kept in his house, whither the Clerks may have recourse at all times.

In answer to the Petition of Captⁿ John Tufton praying an injunction against the Inhabitants for cutting of Timber in the Province of New Hampshire and for continueing the 2^d per Tonn upon Boards & Lumber

The President and Councill *Do declare*, That the whole cause lying before his Maj^{ty} for finall determination, which they expect speedily to be brought, see no cause to make any new order or alteration in the affair between M^r Mason and the Inhabitants of the abovesaid Province.

Upon the Petition of the Selectmen of Newberry, complaining that contrary to their Town Orders, sundry persons presume to cutt down distroy and carry away Timber, upon and from the Town Common or undivided Lands to the great dammage of the Towne.

It is *ordered:* That no person upon any pretence whatsoever presume contrary to the Town Orders, Fall, Cutt or make any wast in any of the said Town Common or undivided lands till further order be taken herein and if in the interim any persons shall offend herein, the next Justice of the Peace is required to give forth his warrant for the apprehension of such offenders & bind them over to the next

Quarter Sessions of the County to answer for such office [offence?] and Trespass.

Ordered further That Copies of the Town Orders be transmitted to the Councill to the end such further order may be given herein as may be found needfull.

Ordered: That the Councill meet every Wednesday.

Adjourned till the 20th of this instant.

At a Councill held in Boston New England Aug. the 20th 1686.

Present: Joseph Dudley Esq^r President.

William Stoughton D. P.

Wait Winthrop

Rich^d Wharton

Jonath: Tyng &

Barth^o Gedney

John Usher

Edw: Randolph Esq^{rs}

Upon the Petition of Andrew Belcher and John Keetch Merchants, and part owners of the Ketch Adventure Pyam Blowers Master bound from New-foundland, being loaden with fish and other Merchandize humbly praying Licence to touch at Boston to Wood and Water, & desireing that Waiters may be putt on board when she arrives at their charge, that she may thence proceed on her voyage to the Maderas.

Ordered. That the Petitioners request be granted on the conditions mentioned above mentioned [*sic*].

M^r Allin presented his Bill amounting to £1. 1. 6^{s d} for work done on the Town House; which being read 'twas thereupon *Ordered:* that M^r Treasurer pay one third for his Maj^{ty's} service.

Military Orders read and ordered to be transcribed and perused by the President and Deputy President.

Robert Earle Prison Keepers Petition was read and referred to M^r Treasurer Usher.

Adjourned till the 25th of this Month.

At a Councill held in Boston, New England, Aug. 25th 1686.¹

Joseph Dudley Esq^c President.

William Stoughton D. P.

Peter Buckley

Richard Wharton

Jonath: Tyng, &

Wait Winthrop

John Usher

Edw: Randolph Esq^{rs}

Ordered: That the restraint upon Indian Corn be repealed.

Upon reading the Petition of John Gold and considering the poverty of his family

It is *Ordered* : That upon his payment of fifty pounds in money and charges of prosecution, the remainder of his fine be respitted, and he be released of his Imprisonment, he giving Bond for his good behaviour according to Order of Court.

¹ Massachusetts Archives, CXXVI. 69, in Randolph's handwriting.

Robert Earles Petition was this day read, & his account amounting to £4: 15 . 6^d was *Ordered* to be paid by the Treasurer.

D^r Allins Petition shewing his being unequally taxed by the Select Men was read and granted.

Upon reading the Petition of Andrew Belcher Captⁿ Jeremiah Dumer and other Merchants about their Vessells at Newfoundland

It is *Ordered* That Edward Randolph Esq^r discourse the Surveyor Generall about the matter & receive his answer thereupon.

Ordered: That the Military Lawes be printed, also the order for the strickt observation of the Lords day.

The Judge of the County Court and M^r Treasurer Usher, are desired and Impowred to direct an order to the Marshall of the County of Suffolk to summon the persons in the list given in by the late Treasurer M^r Hubbard, and upon the hearing of the severall persons to determine and issue the same with the persons concerned according to good and sound discretion, & what is received thereupon, to bring an account that it may be disposed for the support of the Government.

Joseph Smiths Petition and Complaint shewing the concealing of his Maj^{ty}s Warrant to him for Marshall of the Court of Admiralty was read and thereupon

Ordered. That it be referred till his Maj^{ty}s pleasure be further known therein.

Adjourned till tomorrow at two in the afternoon.

At a Councill held in Boston New England Aug. 26th 1686.¹

Present: Joseph Dudley Esq^r President.

William Stoughton D. P.

Peter Bulkley

Rich: Wharton

and

Wait Winthrop

John Usher

Edward Randolph Esq^r

Ordered. That on Tuesday next the Committee appointed to revise the Lawes, sitt to revise the Lawes in order to present them to his Maj^{ty}

Ordered: That the Treasurer pay the Messinger who attended Captⁿ Winthrop to Hartford.

Adjourned till the 15th of September next.

At a Councill held in Boston New England September the 25th [15th] 1686.²

Present: Joseph Dudley Esquire President.

William Stoughton D. P.

Wait Winthrop

Barth^o Gedney

and

Edw. Randolph [sic]

Jonath: Tyng

Edw. Randolph Esq^r

¹ Massachusetts Archives, CXXVI. 70, 71, in Randolph's handwriting.

² Ibid. 92, in Randolph's handwriting.

Ordered: That the ordinary charge of the Castle be 200£ for one year, out of which 50£ is allowed to the Lieutenant provided he be alwayes resident upon the place.

That an Order be directed to Captⁿ. Clapp to surrender up the Castle, and give an account of the Artillery, Armes, Stores, and Ammunition thereunto belonging.

Giles Dyer is directed and Impowred as Deputy Receiver to bring his Action against the Debtors to the Treasury for duties upon Rum, English Goods &c. against Thursday the 23rd Instant to which time the County Court is directed to be adjourned for that end.

Upon reading the Petition of William Douglas (lately brought by force from Carolina by one Holloway, a Pirate into Cascoa Bay where the said Douglas made an Escape) praying Licence to go for Barbadoes, and desiring a [an] order for 40 shillings to Erasmus Stephens being for Dyett and other necessary supplies;

Ordered. That Erasmus Stephens be allowed forty shillings when the Tryall of the Pirates and M^r. Smith comes on, and that the said Douglas have leave to depart for Barbadoes, after makeing oath in the case of Holloway.

Upon reading the Petition of William Jannison late Constable of Charles Towne, praying Order and Direction in gathering in of such rates which were not in the compass of small causes according to the direction of Law.

Ordered. That the Constables apply to the County Court in such cases where the sume exceeds forty shill^{ls} for recovery thereof.

Upon the application of James Carne of Boston, Chyrurgion, shewing that he hath been fined tenn shillings for not training:

Ordered. That the fine be remitted & the Petitioner freed from training and watching; Provided he be ready to attend in the Forts when required.

Ordered: That M^r. Treasurer pay Robert Earles account.

Ordered: That upon John Golds payment of the sume of twenty pounds to the Treasurer and prison Fees, with Fees of prosecution, he be discharged from his imprisonment upon giving Bond for his good behaviour.

Ordered. That the Treasurer pay two thirds of M^r. Allins account which amounts to £7.7^s & 10: it being one third for the County, and $\frac{1}{3}$ for the Country.

M^r. Wharton presented his account (of wine drank out on the entrance of his Maj^{ty}s Government) amounting to twenty one pounds, which being read was *Ordered* to be paid by M^r. Treasurer Usher.

Upon reading the Petition of Richard Crisp, praying liberty to build a low wooden house to instruct persons in the use of Weapons, Licence given to him to build a house as desired; Provided it be not converted

to any other use, and may be taken down, when it appears to be of ill consequence to the Towne.

A Commission sent to Walter Gendall to be Justice of the peace for the Province of Maine.

Upon reading the Petition of Jeremiah Dummer, Simeon Stoddard, John Foster and Walter Gendall; shewing their Grant of Land in Cascoa Bay, where the Town of North Yarmouth is begun, likewise the willingness of the distressed people, that lately came from Elutheria to settle there, rather then to transport themselves to any other place and humbly praying that the West Lands between M^r Whartons land (which is about three miles to the Westward of Pugga-Mugga River) and M^r Gidney's Land, w^{ch} borders upon the former Grant, with the Islands before the same may be granted them and others that are willing to be concerned in the peopling the said Townshipp; also praying that Pugga-Mugga River may be the Stated Easterly bounds of it, or that fitt persons may be allowed to run the line between such lands as shall be allowed to the said Towne and M^r Whartons Land, that the settlement may not be discouraged; In Answer to their Petition

The President and Councill do approve of and allow the Petitioners removeing the distressed Elutherian People into Cascoa Bay for their settlement and support, and will recommend their prayr for their Grant of the Lands desired, unto his Maj^{ty} for his Royall favour therein.

Also at the motion of the Petitioners, it is further consented to, by Richard Wharton & Barth^o Gedney Esq^{rs} that they will annex their Lands in or neer the said Towne to the same, and as Improvements shall be made on their respective Lands, to contribute to Town charge and Improvements, and M^r Wharton consents, reserveing his propriety, that the Town bonds shall extend Easterly as far as Pugga-Mugga River.

Ordered. That Cambridge Court be adjourned to the third Wednesday in October.

Adjourned till Thursday next.

At a Councill held in Boston, New England September the 24th 1686.

Joseph Dudley Esq^r President

William Stoughton D. P.

Rich: Wharton, John Usher & Edw. Randolph. Esq^{rs}.

A letter sent to Captⁿ George Saintloe Comānder of his Maj^{ty}s Frigott the Dartmouth, being an answer to a Motion the said Captaine moved to the Councill relateing to the allowance of makeing a bone fire, a coppie whereof follows.

Captⁿ Saint Loe. At the last setting of the Councill you offered to us a motion refering to a Bone Fire in or neere this Towne, with a great accession of people desiring our allowance thereof, which we hereby

give you notice, we cannot allow, the Towne is generally built of Wood and the people will be easily frighted and hurried into some inconveniency, perhaps to your own grief as well as ours; besides, the spiritts of some people are so royled and disturbed that inconveniency beyond your expectation may happen, of which wee may not be able to give his Maj^{ty} account.

S^r — Wee are for all methods to bring the People forward to express their Loyalty and allegiance, but the reasons above, and other considerations move us to direct you to cease your intentions therein.

M^r Wrights Petition (shewing the Imbazzlement of some part of his Cargoe after appraisement whilst under Custody of Captⁿ George) was read, & referred to a full Councill.

Ordered. That the Treasurer pay W^m Stoughton Esq^r (for support of his Circuit) ten pounds out of the Treasury and ten pounds out of every Province.

Ordered. That the Treasurer pay M^r Chaplin forty shillings for ten dayes service in Publick writings.

Ordered. That M^r Rawson deliver up the Keys of the Records to M^r Addington and M^r Benjⁿ Bullivant.

That a Commission be sent to Major Pincheon, M^r Peter Tilton and M^r William Clarke to hold the Court in the County of Hampshire.

A Commission to Judge Stoughton to keep the Eastern Courts.

A Commission to keep the Court at Narraganset directed to Major Buckley who is desired to come to Towne and take out his Instructions; and ten pound to be allowed for keeping that Court.

A Petition from Suffield received but referr^d.

Captⁿ Palmers Petition also received and;

Ordered. That his Petition be read the next meeting of the Councill.

Adjourned till the 27th of this month.

At a Councill held in Boston New England Sept. 27th 1686.

Present: Joseph Dudley, Esq^r President.

William Stoughton D. P.

Wait Winthrop

John Hinks [*sic*]

John Hinks &

Rich^d Wharton

Jonath. Tyng

Edw. Randolph Esq^{rs}

Ordered. a Market be kept in Boston & Capⁿ Lynds, M^r Joliffe, Major Richards, D^r Bullivant, M^r Bromfield and M^r King be a Com^{tee} to meet & state, the places and dayes and other circumstances relating to the good settleing of a Markett.

Captⁿ Palmer produced three papers of proceedings at Jams Towne in the County of Cornwell, viz^t against Eight Pipes of Malaga, holden on the 2^d of Sept^r 1686, Against tenn Pipes of wine on the same day & year, Against thirty two Pipes of Malaga ditto.

In answer to Captⁿ Palmers motion referring to Severetts Ship, M^r

Randolph informing that the seizure of her was at the request of the said Captaine Palmer who informed that she hath imported Malaga Wines &c. into the Govern^t of New Yorke where the said Wines have been since condemned, and the record thereof before us : Wee doe judge that according to the Act of the 15th of his late Maj^{ty} the said ship ought to suffer her tryall in the Territory or place, where the said breach was committed or in some Court of Record in England as the said Act directs.

Upon reading the Petition of the Inhabitants of Suffield, in this his Maj^{ty}s Territory, complaining of their neighbours both of Windsor and Simsbury (in the colony of Connecticut) for cutting yearly their choicest timber out of the best of their lands in severall allotments for themselves.

Ordered. That a letter be sent to Suffield to maintaine their bounds, also a letter to the Governour of Connecticut to expostulate the Invasion of the Men of Windsor and Symsbury, and to pray their forbearance, till they have given a perticular reason to the President and Councill of their proceedings.

A Commission sent by Perry to Major Pincheon to hold Courts at Springfield and North Hampton, with the two Eldest Justices of the Peace; with an order to swear M^r Haley one of his Majestyes Justices of the Peace.

M^r Nowells Petition relateing to disbursements on the account of Wolves was this day received.

Capt^a Backwells [Blackwell] proposalls for erecting a Bank of Credit was also received and read.

Ordered. That the money lately gathered at Salem by way of contribution for the relief of the poor distressed French Protestants be returned thither for the necessary support of the French lately arrived there, and to be distributed according to discretion.

Ordered: That William Browne the younger of Salem Esq^r and Jeremiah Neal Marshall for the County of Essex, do and are hereby appointed to prick the Grand Inquest & Petty Juries for the Court of Pleas holden at Salem on the last Tuesday in November for the afore-said County of Essex.

Adjourned till the 21st of October next.

At a Councill held in Boston New Engl^d October the 21st; 1686.

Present: Joseph Dudley, Esq^r President.

William Stoughton D. P.

Peter Bulkley

Rich: Wharton

Jonathan Tyng &

Wait Winthrop

John Usher

Edward Randolph Esq^{rs}

Ordered: In answer to the application of some of Hadley respecting a Free Schoole, it is referred to Major Pincheon, Capt^a Aaron Cooke

of North Hampton, and M^r Joseph Hawley to examine, consider and Report the matter to the President and Councill for their order & determination.

Ordered: That M^r Addington and M^r Bullivant attended [attend] M^r Rawson on Saturday next, to assort, take an account and receive the Records of the late Governm^t and deliver them to the Secretary.

Captⁿ George and Captⁿ St Loe enjoyned to attend to morrow at ten of the Clock in the morning.

Upon the representation of M^r Simeon Stoddard of Boston, on the behalfe of Joseph Nash of Boston now in prison, and no testimony appearing against the said Nash; it is *Ordered* that the Justice of the Peace (who ordered the said Nash to be imprisoned) do release him upon takeing security to appear at the next court of Grand Assize holden in Boston, and that the said Nash's security be one hundred pound.

M^r John Green Deputy Provost-Marshal, being appointed by the President and Councill to acquaint, Captⁿ Saintloe and Captⁿ George, that they would have them be ready presently to attend the Councill, when sent for, they returned answer; that if the President had any Orders for his Majestys service to them, and if he would send his Orders they would obey him, but as for the Councill, they had nothing to do with them.

Captⁿ George Saintloe and Captⁿ John George called thrice to come into Court but did not appear.

Ordered: That a Summons go forth from this Court Sealed with the Seal of the President and Councill and signed by M^r Secretary enjoyning the abovesaid Captⁿ Saintloe and Captⁿ George to appear before his Majestys Councill to morrow morning at nine of the Clock, which issued accordingly.

Ordered. That M^r Secretary do write unto Captaine George and Captⁿ Saintloe and intimate unto them, that whereas severall complaints have been brought before his Maj^{ty}s Councill by severall Inhabitants of Boston, relateing to severall miscarriages & misdemeanours committed by the said Captaines Men on the said Inhabitants, that therefore the said Councill doth require and command the said Captaines not to permit their Men on any pretence whatsoever to be on shoar after Candle light unless upon speciall occasion for his Maj^{ty}s service and that signified to some Member of his Maj^{ty}s Government here.

David Simpson Mariner belonging to his Maj^{ty}s Frigot the Rose examined touching his going on board the Ketch Providence from Newfoundland, Joshua Rawlings, Master, and of his opposing the Collectors Men, & the Depositions relateing to the said matter being read before him, the said David Simpson owned that M^r Condon Lieutenant of his Maj^{ty}s Frigot the Rose, sent him thither with express order, that

neither M^r Randolph, nor any of his Officers nor any others should take the s^d Vessell out of his possession, and added that he was commanded by the said Lieutenant to wait on Board the said Ketch, and see if there was any occasion of seizure, and seize the same.

Adjourned till tomorrow at 9 in the morn^g

At a Councill held in Boston New England October 22nd 1686.

Present : Joseph Dudley, Esquire President.

William Stoughton Esq^r

Wait Winthrop John Usher and

Rich: Wharton Jonathan Tyng Edward Randolph, Esq^{rs}

The Court having before them the Indians Petition and Deed, and prayer of Jonathan Tyng Esq^{re} & Major Thomas Hinchman (all in M^r Secretaryes hand) do approve the sale, alienation and reservations in the said Deed so as the same do, or may not invade or prejudice the right or challenge of Waite Winthrope Esq^{re} and partners to five hundred acres of Land lying in the neck or the East of Concord River, & adjoining to Merrimack river with certaine meadowes on the west side thereof, & do allow the said Deed, Petition and prayr, and ordered this Act to be entred in the Generall Registry, and the Records of the County of Middlesex.

Upon the presenting a Petition of Jarvis Ballard Attourney to Robert Wright praying liberty to proceed at Law against Captⁿ John George ; the said Ballard is accordingly referred to the Common Law for remedy. Captⁿ George haveing taken about the value of one hundred pounds worth of good for the said Right [*sic*] after the condemnation of Rights Vessell and goods.

Captⁿ John George and Captⁿ George Saintloe called, but did not appear.

Captⁿ George Saintloes letter read.

Ordered: That M^r Secretary do write unto Captⁿ George S^t Loe Commander of his Majestys Frigott the Dartmouth and intimate unto him that this Court hath this morning received his excuse for his default and have accordingly adjourned this Court unto Thursday next at three of the Clock in the afternoon for that end, when his attendance is expected, and in the mean time M^r Secretary is directed to acquaint the said Captaine Saintloe that the injunction made for his attendance in open Court the 21st Instant doth in the force of Law pass any summons he hath or may receive, & therefore that this Court hath not been so wanting to themselves or the due formes of proceedince as he may suddainly imagine.

Adjourned till Thursday next at 3 in the afternoon.

At a Councill held in Boston New Engl^d on the 27th of October 1686.

Present : Joseph Dudley, Esquire President

William Stoughton Esq^{re}

Wait Winthrop John Usher and

Richd. Wharton Jonathan Tyng Edward Randolph Esq^{re}

Jabez Neigus Constable of Boston, James Webster & Jonathan Dawes, appearing and makeing oath, that one Giles Smith a Seaman belonging to Captⁿ Saintloe had this day abused the said Constable in keeping of the Peace, and sworn severall wicked oaths. After a full hearing and debate on the same, the Court ordered a fine of twenty shillings, to his Maj^{ty} to be layed on the said Giles Smith, and he is left to his Captaine to be punished for his swearing and other disorders, as his Capt^{ne} shall see cause.

Colonel Dungan's (Governour of New Yorke) letter was this day read.

M^r Pierce the Printers Petition received & referred to M^r Sec^{ry} & M^r Winthrop to do in it according as they shall see meet.

Adjourned till the ninth of November.

At a Councill held in Boston New England Nov. 9th 1686.

Present : Joseph Dudley, Esquire President.

William Stoughton Esq^{re}

Peter Bulkley Barth^o Gedney Edward Tyng &

Wait Winthrop John Usher Edward Randolph Esq^{re}

Major John Pincheon, Joseph Hawley, Captⁿ Sam^l Glover, M^r Samuell Marshfield, M^r Samuell Ely & M^r John Hitchcock all of Springfield are appointed a Committee for settling the Town of Quabaug, and the Petition of the said Town is granted and the aforementioned Gentlemen are to receive the claimes of the old Inhabitants, grant lotts to others & to give necessary orders for the more orderly settlm^t of the said Towne.

Thursday the 26th November is appointed a day of publick thanksgiving throughout his Maj^{ty}s Territory, and M^r Secretary is desired to draw up the form & hasten the Printing and Publishing of the same.

M^r Randolph to appoint a Deputy on the Western side of Kennibeck River in this his Maj^{ty}s Territory, to take care of his Maj^{ty}s Customes there, that the Acts of Trade be not broken.

Ordered : That the rectification of the Minute Booke be left to the President & Deputy President, to settle the same and that it may be on Fryday next.

Ordered. That M^r Treasurer Usher hasten his accounts and that the same be presented on Thursday next come seaven night to this Bord.

Whereas M^{rs} Bridgett Phillips the Relect & Widdow of Major William Phillips deceased hath set forth unto us, that demand hath been

made & distress threatened upon her Tenant for a certaine Mill-Rent imposed by the late Government upon all Saw-Mills; and the said M^{rs} Phillips haveing alleadged unto us that by a Pattennt granted by the Councill of Plymouth to John Oldham and Richard Vines Gentⁿ and their Associates, from whom she derives title and Prior to that of S^t Ferdinando Gorge, she ought to be exempted from the s^d imposition and other Rents.

It is therefore *Ordered*; That no further demand or distress be made upon Thomas Doughtey or other Tenants (for the time being) to the said M^{rs} Phillips for or upon pretence for any Mill or Quitt Rent for any streams or Lands formerly granted to, or reputed to belong to the s^d M^r Oldham or M^r Vines, or associates in the Province of Maine; without speciall order of the President and Councill or Government for the time being, upon a further hearing.

Ordered. That M^r Treasurer pay John Marshall fifty five shillings, it being for his attendance on the Courts of the former Government.

William Partridge of Dover presenting a Petition that he might be allowed to sell Licquors to his workmen for their refreshment, whilst they are employed in cutting and haleing of Masts for his Maj^{ty}s Navy.

It is *Ordered* That the said William Partridge may sell Licquors as aforesaid and no otherwise, any law, statute or usage to the contrary notwithstanding.

Ordered: That John Gold be discharged of his bond for the good behaviour.

Upon complaint of Edward Gove relateing to M^r Cranfields sale of said Goves Estate.

It is *Ordered:* That a Report be made unto his Maj^{ty} of Esq^{re} Cranfields Estate in New England, and what money was received by him of such persons as purchased the Estate of Edward Gove.

That the moneyes in the hands of M^r Rawson found on Daniell Mackarty, and the moneyes in the hands of Isaiah Toy, found in the hands of Charles Blinkoe be received of either of them by M^r Benjamin Bullivant Clerk of the Assize and by the said Bullivant to be delivered to M^r Robert Saunderson of Boston, charges of Prosecution and other expences first deducted.

Ordered. That the Justices of the Peace have notice that those words in the Law for holding Courts, viz^t (except in small Cases where the Constable of the Town shall be sufficient) are not to be understood in any other sence, but that the said Justices may direct their attachments to the Provost Marshall or any of his Deputyes for the Countyes or places wherein they serve as well as the Constables.

Upon reading the letter of his Excell^y Col: Dongan, Gov^r of New York requesting the delivery of the Ship Joanna, Phillip Severett late

Master unto Captⁿ George now in Piscataqua, seized by M^r Randolph upon Capt. Palmers Information for breaking the Acts of Trade;

The President and Councill do declare that they have not nor do detain the said Ship.

Ordered; That George Felt and his Wife (poor persons) at Malden in the County of Middlesex be maintained by an assessment to be made in the said County of Middlesex next County Court.

Ordered That the Select Men of Boston meet with M^r White of Muddy River on Thursday next at two in the afternoon to answer s^d M^r White relating to the schoole intended to be setled there.

Edward Bannister to have notice to attend the Councill at two of the clock on Thursday next to answer the complaint of Joseph Knight a Prisoner at the suit of the said Bannister.

Upon reading the Petition of John Conney Sen^r of Boston, praying the Office and place of his Majestys wine Cooper in the said Towne.

It is *Ordered* That the said John Conney be, and is hereby appointed his Maj^{ty}s Wine Cooper for this his Territory and Dominion, and to receive such Fees as the President and Councill shall hereafter determine.

Ordered. That the Town Stow be added to the County of Merrimack, and that our order in answer to Captⁿ Blackwells Petition be passed under the Seal of the Government.

Ordered. That all Mill-Rents in the Province of Maine for the year 1685 be collected and gathered in by Capⁿ Francis Hook Treasurer of the said Province according to former Custome, and delivered to Capⁿ Richard Sacomb late Commander of Fort Loyall for his Service and attendance therein, and that Capⁿ Silvanus Davis's Mill at Capiscott in the Town of Falmouth be assessed twenty shillings and accordingly delivered as aforesaid, also that the said Treasurer do likewise collect the Mill rents for this present year as formerly, except the Rent of M^r Doughtys Mill or from any other Tenant belonging to M^{rs} Phillips the widdow of Major Phillips deceased and deliver the same to Capⁿ Edward Tyng.

Adjourned till the 11th of this instant November.

At a Councill held in Boston New England November 11th 1686.

Present: Joseph Dudley, Esquire, President.

William Stoughton Esq^r D. P.

Wait Winthrop	John Usher	and
Rich ^d Wharton	Edw: Tyng	Edward Randolph Esq ^{rs}

Grand Assize adjourned till Thursday next at two in the afternoon.

John Napannet the Indian reprieved till the same Towne [time?].

The Minister that preaches on Thursday next to be prayed from this Court to hasten his Sermon because of the short dayes.

Witmore and Bennet Petitioners of Charles Town promised to be allowed somewhat more on their Bills of costs, and to attend on Thursday next for answer.

The Petition of M^r White of Muddy River relateing to the select Men of Boston, referred till Thursday next.

Ordered : That the Townsmen do speedily at the Towne charge provide Constable staves of seaven foot in length to be painted with the Kings Armes after the mode of London.

Ordered : That the Town of Charlestowne have as many Constables staves as are necessary for that Towne.

Ordered : That a letter be sent by M^r Tudor to Collonel Dongan his Maj^{ty}s Captⁿ Generall & Governour of New York.

That all Masters of Vessells tradeing in Kennibeck River do go on Shoar before they break Bulk and enter with M^r Paine of Hartvitch, whom M^r Randolph appoints his Deputy.

Ordered : That the Deputy President, M^r Secretary and M^r Wharton upon the first advice of the arrivall of S^r Edmond Andros from England do attend him up to Towne.

That the Gunners of Boston and Charles Towne put out his Maj^{ty}s Colours on the Forts and Sconces, and have their Gunns ready according to method, and that they prepare the second firing according to the signe to be given them from the Town house.

That the Major and his Regiment be in armes at the Water side to receive the Governour.

Ordered : That the Captⁿ of the Castle have his Company ready in armes at a Quarter of an houres warning, and be personally present at the Castle to meet & salute the Governour in passing up to the Towne.

Ordered : That one of the Select Men of Boston accompany a Constable, every time the said Constable is necessitated to make a distress for a Rate towards the building of the Hospitall.

Ordered : That a Pipe of Wine be put in some convenient place nere the Towne house to be bestowed amongst the Souldiers that shall arrive with S^r Edmund Andros.

Adjourned till Thursday next the 18th of this Month.

At a Councill held in Boston New England November the 18th 1686.¹

Present : Joseph Dudley Esquire President.

William Stoughton D. P.

Wait Winthrop

John Usher and

Richard Wharton

Edward Randolph Esq^{rs}

M^r Deputy President moveing to have the opinion of the Board, whether an appeal should be admitted from the County Court of the

¹ Massachusetts Archives, CXXVI. 155, under date of November 28, [signed] "John Clarke p Edw^d Randolph Secry."

case lately before that Court touching the Brigandine Rebecca and her . . . The Councill declare it to be their opinion.

That there lyes no appeal from the said Court in the said case, nor of any part thereof.

In answer to the Petition of M^r Giles Dyer Deputy Receiver of his Maj^{ty}s Customes, setting forth that the Licenced Publick Houses do refuse to pay their subscriptions, and praying that there may be some speedly and effectuall care taken with unlicensed houses &c.

The Councill do desire and Empower the County Court to hold a special session on Monday next in the afternoon, before whom the Clerk of that Court shall summon all the Persons that have subscribed for the Excise and refuse to pay, and such as have not agreed with the Farmers, and such also as are in arrears for the Impost against whom the said Court shall proceed to grant execution for an issue of the Treasurers accounts in those affaires.

Ordered: That M^r Secretary Randolph be paid fifty pound for his extraordinary services in the publick affaires.

Ordered: That M^r Deputy President be paid twenty five pounds for his great paines and services as Judge of the Court of Pleas.

Ordered. That M^r Wharton be paid twenty five pound for his publick services done in the Narraganset County.

Ordered. That M^r Giles Dyer be allowed twelve pence in the pound for all publick moneys he hath or may receive as under Receiver of his Maj^{ty}s Customes.

Ordered: That Captⁿ Winthrop's salary as Captain of the Castle shall begin from the 10th of June last at the rate formerly ordered by this Court; and that he be paid tenn pounds more at this time.

Ordered: That M^r Treasurer Usher be allowed ten pounds for his service in visiting the Provinces of Hampshire, Maine &c. and settling the Excise in those places and his account of Commissions is accepted & allowed.

Ordered: That M^r Peggy be paid forty shillings for his Horse and Journey to Narraganset.

Ordered: That execution go out against John Warner and M^r Heath of Warwick for the forfeitures of their Recognizance to his Maj^{ty} in the last Court of Grand Assize.

Ordered: That M^r Wharton and Captⁿ Winthrop be a Committee to examine and setle M^r Treasurer Ushers accounts.

The Treasurer haveing visited the Constables in their severall Townes in order to issue accounts with them, but they neglecting to perform their duty therein:

It is *Ordered:* That the Warrants go forth from himselfe to summon their attendance on him at Boston for that service.

Ordered: That Goodwife Reading be allowed five pounds to be paid

into the hands of the Town Treasurer for her use, and by the said Treasurer to be paid her weekly to supply her necessities, and this to be understood to be her allowance for one year from this day.

Rowland Cox is allowed (pro tempore) one of the County Marshalls for Suffolk, and is empowered to make a Deputy, *Provided*: this Grant is not to be understood in any wayes dissolveing the Contract betwixt him & M^r Paige.

Ordered: That whereas it appears by the accounts of the late Treasurer of Suffolk, that the extraordinary charges of the prisons, bridges &c. hath so exhausted the Treasury, that it remains much in debt, and for that there are dayly complaints, that the Reward for killing of Wolves is neglected, for that there is nothing in hand to defray the same; the Councill therefore direct; that the Court of this Countey do make a rate for the defraym^t of the said debts, and to leave something in stock for the rewarding such as shall kill Wolves.

Adjourned till 23^d Instant.

At a Councill held in Boston New England November 23. 1686.

Present: Joseph Dudley Esquire President.

William Stoughton D. P.

Wait Winthrop

John Usher &

Rich: Wharton

Edw: Randolph Esq^r

Ordered; that M^r Giles Dyer over and above the 12^d in the pound allowed him for his service as Deputy Collector of his Maj^{ty}s Customes be allowed twenty five pound for his extraordinary services in that matter and to be paid him by the Treasurer forthwith.

Ordered: that M^r Treasurer Usher pay Erasmus Stephens fourty shillings it being formerly promised him by this Court for his good services relating to the discovery of the Pirates.

Ordered: That M^r Treasurer Usher be allowed tenn pounds for his Extraordinary care and service in the discharge of his trust to this his Maj^{ty}s Government.

Ordered: That thirty pound of the mony raised by the publicque Contribution resting in the hands of Elisha Hutchinson Esq^r be paid to the Committee for manageing the affaires of the Narragansett Country to be by them remitted to Major Richard Smith and otherwise as they judge expedient disposed off for the supply and reliefe of the poor French People that are aboute to settle in the Narragansett Country.

Adjourned till Wednesday the 8th of December next.

At a Councill held in Boston New England December the 8th 1686.¹

Joseph Dudley, Esq^{re} President.

William Stoughton D. P.

Wait Winthrop Barth^o Gedney Jonath: Tyng &

Rich: Wharton John Usher Edward Randolph Esq^{re}

Ordered: That Wait Winthrop Esq^{re} Symon Lynd Esq^{re} Benjamin Bullivant, M^r Isaac Addington & M^r Daniell Allen, be a Committee with the Secretary, to receive and sort and form the Records of the Country (now in the hands of M^r Edward Rawson late Secretary) that so they may be apt and ready for service, and that the persons above named be all sworn to the faithfull discharge of their trust in this matter, and to the end it may be forthwith proceeded in, M^r Lynd and M^r Bullivant are empowred and hereby ordered to take the same from M^r Rawson to morrow and to remove them in the posture they are now in, into the Library Chamber, and that there go forth a strict Warrant to M^r Rawson to deliver them accordingly; and it is further *Ordered*; that two locks be put upon the Office where such papers shall be lodged, and that M^r Bullivant, or such other person as M^r Randolph shall depute to that service, shall keep the key of one of the Locks, and Captⁿ Winthrop M^r Lynd or M^r Addington the other.

Ordered: That M^r Treasurer do pay John Marshall Eight pounds for his half years salury now due to him.

Whereas in severall publick and other payments to be made in Country pay, there hath been heretofore a dependance upon the annuall settlement of the prizes of graine by the late Generall Court; to the end therefore that there may be no failure or disadvantage in any such case; the President and Councill do order the following Rates for Corne to pass in the Country for this year in payment between Man and Man not obstructing perticular contracts (viz^t)

Wheat at five shillings the Bushell.

Rye at four shillings the Bushell.

Pease at four shilligs the Bushell.

Indian Corn at two shi^{es} & ninepence p Bushell.

Oates at two shillings the Bushell.

And it is further *Ordered:* That the Ministers in the severall Townes be freed from Rates as formerly, and that this order be forthwith printed and published.

Upon reading the Petition of severall Inhabitants of Malden relateing to their Ministry.

Ordered: That M^r Stoughton, Captⁿ Winthrop and M^r Wharton (with such other of the Members of the Councill as can be present) with M^r Mather and M^r Willard be impowred a Com^{tee} to repair to Malden on Tuesday next the 14th inst: and to call before them the

¹ Massachusetts Archives, CXXVI. 157, entered under date of 8 November.

Petitioners and other Inhabitants of Malden, and to hear and finally determine and settle the maintainance of the Ministry there, and that the Clerk of the Councill do give forth Warrant to the Constables of Malden to warn a generall meeting at time & place accordingly.

Ordered: That M^r Treasurer Usher with the Clerk of the Councill do finally settle and determine the Bills of Cost, riseing in the late Court of Appeals, between M^r John Cutler and others of Charlestowne.

Upon perusall of the return made by Major Pincheon and the Com^{tee} for the affair of Hadley Schoole, the President & Councill do order. That the Commitee for Hopkins schoole be and remaine the Feoffees of the Gram̄ar schoole in the said Towne, and that M^r Partridge be and is hereby dismissed from any further service in that matter, & that the s^d Com^{tee} make Report of the present Estate of M^r Hopkins and other donations to the school (which haveing been orderly annexed to the Grammer Schoole are hereby continued to that service) unto the next County Court of Hampshire, who are hereby Impowred to supply the place of M^r Partridge with some other meet person in Hadley, and that the said Court to find out and order some method for . . . the payment of Boltwoods expences upon the Mill; that the Mill, Farm & other Lands given to the schoole may return to that publick use. The President and Councill hereby declareing it to be beyond the power of the Town of Hadley or any other whatsoever, to divert any of the Lands or Estate, or the said Mill, Streams and privileges thereof (legally determined to the said Grammar Schoole) to any other use whatsoever. The President and Councill Judging the particuler gifts in that Towne a good foundation for a Grammar schoole both for themselves and the whole County, and that the Gram̄ar schoole can be no otherwise interpreted but to be a schoole holden by a Master capable to instruct children and fit them for the University.

In answer to the Petition of Captⁿ Wing & other Inhabitants of the Town of Worcester.

Ordered: That the Inhabitants and Proprietors of the said Towne are hereby Impowred to choose five Men from amongst themselves to manage their prudentiall affaires, and to receive Inhabitants; and the Com^{tee} for the said Towne are hereby Impowred and required to finish their Books by the last of Aprill, and be ready to deliver them to the Townesmen.

In answer to the Petition of the Inhabitants of Muddy River praying to have liberty to erect a schoole &c. Upon hearing thereof, the President & Councill do *Order:* that henceforth the said Hamlet of Muddy River be free from Town Rates to the Towne of Boston, they maintaining there own high ways, and poor, and other publick charges riseing amongst themselves, and that within one yeare next comeing they raise a Schoole house in such place as the two next Justices of the

County upon a publick hearing of the Inhabitants of the said Hamlet shall determine, as also maintaine an able reading and writing Master there, from and after that day, & that the Inhabitants annually meet to choose three Men to mannage their affaires.

Ordered : That the Fees following be allowed to his Majestyes Wine-Cooper viz^t.

	£	s	d
For Gageing every Cask	£	“	6.
“ Tasting every Cask on Board	“	“	6.
“ Takeing up wines p Tonn	“	4	“
“ Trimming p Tonn	“	10	“
“ Tasting every Cask on Shoar	“	“	4
But in case there be above tenn Cask, then only p Cask	“	“	3

Ordered : That Captⁿ Elisha Hutchinson do pay unto Joseph Allberry a poor Elutherian Man twenty shillings out of the moneyes Collected and now in his hands for that purpose, and that the said Capitaine Hutchinson do pay unto old Goodman Thomson and his wife forty shillings, as poor persons lately of Elutheria aforesaid.

In answer to the second Petition of Captⁿ Wing & other Inhabitants of the Town of Worcester complaining of one John Smith &c. The President and Councill *declare*, that nothing done by the said Smith and others, shall be interpreted to hurt the bounds of Worcester long since settled, and that the said John Smith and his accomplices be summoned to the next County Court for Suffolk to answer to all such matters as shall be then and there objected against them upon the complaint of Captⁿ Wing, he having given Bond to prosecute, nor shall the confirmation to Worcester bonds be interpreted to the hurt of any Man's propriety within the said Bounds.

In answer to the Petition of Giles Dyer relating to the prosecuting of unlicensed Ale houses.

Ordered : That the charge of the conviction of such houses and persons be born out of the five pound forfeiture they make, and the benefitt to be equally divided between the Farmer and the Treasurer. And it is further

Ordered : That M^r Dyer have notice to attend the Councill with his accounts on Wednesday the 14th instant.

Ordered : That the President be paid fifty pound by the Treasurer.

That Major Gidney be paid twenty pound by the Treasurer.

That M^r Jonathan Tyng be paid twenty pound by the Treasurer.

That M^r Bullivant Clerk of the Councill be paid five pound; and that each person haveing grant of moneyes, shall be paid by the Treasurer according to their Grants in time; and all former grants of money are hereby confirmd.

Ordered: That Edward Cocket be paid the one half of his salury now due being about £3 10. 0d.

Adjourned till Wednesday next post mērd.

At a Councill held in Boston New Engl^d December 15th 1686.

Present: Joseph Dudley Esquire President.

William Stoughton D. P.

Peter Buckley Richard Wharton and
Wait Winthrop John Usher Edward Randolph Esq^{rs}

Ordered: That Major Buckley be paid twenty pounds.

That Major Winthrop be paid ten pounds.

That Captⁿ Tyng be paid.

That Major Pincheon be abated the five pound he hath indented to pay the Treasurer for the Indian Trade.

In answer to the Petition of divers Gentlemen of Charles Towne relating to severall persons trespassing on their proprieties &c.

Ordered: That M^r Deputy President, M^r Secretary, M^r Wharton and Major Bulckley be a Com^{tee} to meet at Charles Towne upon Thursday next in the afternoon to hear and debate the said matter on both sides and that sūmons go forth accordingly from the Clerk of the Councill to all parties concerned to give their attendance accordingly.

Adjourned till tomorrow being the 16th of this instant December.

At a Councill held in Boston New England December 16th 1686.

Joseph Dudley Esq^r President.

William Stoughton D. P.

Peter Bulkley Richard Wharton and
Wait Winthrop John Usher Edward Randolph Esq^{rs}

Peter Buckley Esq^{re} declareing to the Board he had perused the minutes of the Councill Book taken in his absence, and his consent to the same.

Ordered: That the Clerk do Record the same.

M^r Elisha Cooke appearing before the Court, and being demanded if he would sign his Bonds of Appeal to his Maj^{ty} in Councill according to a late injunction of the Court of appeals in the cases depending between himselfe and others (and Captⁿ Nicholas Paige & his wife) and if he had Suretyes for that purpose answered he could not consent to give such Bonds as were required by the Court for the same. Also M^r John Wissell Sen^r Jn^r Wissell Jun^r being severally asked as of M^r Cooke aforesaid returned the same answer as M^r Cooke had done. Also M^r John Flood being demanded as of M^r Cooke aforesaid answered he should do nothing.

Ordered : That the Clerk do Record the severall answers of the persons abovenamed.

M^r Deputy President and M^r Wharton makeing a retorne under their hands of their proceedure in the busyness of Malden relateing to the Ministry there pursuant to an Order of Councill of the 8th instant.

Ordered : That the Clerk do enter the same into the Councill bookes, and is as followeth, viz:

In observance of an Order of the President and Councill &c. wee underwritten on the 14th Inst. repayred to Malden and upon a full hearing of all partyes do find that the former usage of that Towne hath been for many years to raise sixty pound per annum by a Rate upon the Inhabitants of the Towne for the maintainance of the Ministry, which of late by a Town vote & agreement hath been converted and altered to fifty pound in mony.

That M^r Wigglesworth was many years since by choice and agreement universall ordained Teacher to the Church there; and though by sickness and indisposition he was for some years uncapable to perform his worke, yet for many months last past he hath constantly attended the service of the Ministry and administracō of the Sacraments amongst them, and declares his willingness so to do untill the people can by a good agreement invite and obtaine some other Assistant to him and them therein.

That tho' there hath been for some years past an other person (viz: M^r Cheevers) ordained to the Service of the Ministry there, yet the said Cheevers haveing been Convicted of severall greivous faults and debaucheries very Scandalous to his Ministry, whereby he is made uncapable of his Office there;

Wee do therefore *Order*. That the select Men of Malden for the time being, do according to former usage lay the Rate of sixty pounds half mony upon the Inhabitants of the said Towne equally, and attend the usuall method for collecting the same, and pay it unto M^r Wigglesworth for his service, he continueing there in the supply & support of the publick Worship and ordinances of God, and that no further disturbance or offer be made by any of the Inhabitants againe to restore the said Cheevers to the service of the Ministry in that place which will so apparently attend to the disturbance of the peace, and dishonour of God

(signed)

W^m STOUGHTON

R^p WHARTON.

The foregoing are true Copyes — attested this 20th day of December 1686.

(signed)

ED: RANDOLPH *Secr^y*.

I Robert Lemon Chief Clerk in her Majesty's State Paper Office London do hereby Declare that this Transcript of the Minutes of the Council of Massachusetts Bay in New England, from the 25th of May

1686 to the 16th of December 1686 inclusive, is a true Copy from the Originals preserved in the State Paper Office.

Witness my hand this 16th day of September in the year of our Lord One Thousand Eight Hundred and Forty Six.

ROB^t LEMON.

I hereby Certify that M^r Robert Lemon made the above Declaration and signed the same in my presence this 16 day of September, 1846.

J. MCHENRY BOYD
*Chargé d'affaires ad interim of the
United States, London.*

Mr. ABNER C. GOODELL read the following paper:—

Mr. President,—In response to the invitation I received from you last week, I take pleasure in offering my tribute of thanks to Mr. Toppan for the valuable service he has done this Society and the public in presenting to us, through the Prince Society, his Memoir of Edward Randolph, with accompanying letters, official papers, and documents. To compress what I have to offer into smaller compass, I have put my thoughts in writing.

I have already congratulated Mr. Toppan, as I now do his associates here, upon his good fortune in being able to look back upon his difficult task as accomplished. Nothing would enhance the pleasure I take in offering these congratulations more than the knowledge that our late lamented associate Charles W. Tuttle had satisfactory assurance that his own labors in the same field would be taken up and carried forward so successfully. And pardon me, Mr. President, for adding that I esteem it good ground for felicitating Mr. Toppan, and ourselves as well, that through your discernment of merit we are able to share the honor which students of American history will henceforth confer upon one of the members of this Society.

The popular notion of the characters of the public men and measures of the "Usurpation" period has been warped by one-sided tradition. Until recently, no special effort has been made to treat these subjects impartially, and to collect and compare, thoroughly and dispassionately, the evidence on both sides of the great controversy which engaged the public mind here for nearly one-third of a century before the arrival of the Province charter. The first attempt to give the defeated party a full

and judicial hearing was the work which our associate Mr. Whitmore gave the world thirty years ago, through the Prince Society, under the title of "The Andros Tracts." It is needless to praise the execution of that work of immense labor and of intelligent research and comment.

Mr. Toppan's work follows the same general plan, save in the pagination, which runs in continuous numerical order in each volume at the top of the page, instead of the double enumeration which Mr. Whitmore's exact reproduction of printed tracts rendered desirable.

The Randolph papers are mainly from public and private repositories, — portions of them, however, having appeared in print in a variety of publications more or less difficult of access. Their bulk, and the difficulty of getting correct copies of them for the press, may be inferred from the fact that for between thirty and forty years Randolph was active in the public service either in Great Britain or in the English American Colonies, and that from the nature of his employments he was kept incessantly on the move by sea and land, and at the same time was obliged to maintain constant correspondence with his agents and deputies and the local authorities, as well as with his superiors in London. He was, by turns, either here or in England, Surveyor of Woods and Timber for the Royal Navy; messenger of the home government to inspect and report upon trade and navigation in the American colonies; deputy of the Lords Commissioners of Customs to enforce the acts of trade and navigation; Collector, Surveyor, and Searcher of the Customs; deputy to the Surveyor and Auditor-General of the king's revenues in America; Postmaster-General, Secretary to the Governor and Council, and Register-General of New England; and, finally, incumbent of the office — to which he was appointed by King William, and which he held till his death — of Surveyor-General of the Customs in all the Coasts of America; a position to which he was so fondly attached that, in subscribing his will, he annexed the initials of his office, "S. G."

In pursuance of the duties thus laid upon him, he was at times obliged to travel in every colony upon the Continent from Maine to Carolina, and even to Bermuda. In his will he declares that he is about to make his seventeenth sea-voyage to America. In another place, in 1690, he says that he

had served the king twelve years in New England, in which time he made ten voyages to and from England before he could bring the traders of the colonies to conform to the Navigation Acts. The time consumed in his voyages across the Atlantic is probably not less than two and one-half years,—counting the length of each voyage at the average of seven weeks each way, which is probably an underestimate.

The variety of his employments is not shown by the mere mention of the offices he held. His duties as officer of the customs required his attention to the libelling of vessels and goods in the courts of admiralty, and the prosecution, and particularly the defence, of actions in the common-law courts, in all the colonies where such tribunals existed; and he exercised in other official capacities such and so many important functions as to constitute him the factotum of administrative authority. He appears as the trusted adviser of the home government, not only in all matters of trade and of the king's revenue, but of the improvement of the natural resources of the colonial territory. He kept his eyes and ears open in regard to fisheries, mines, agriculture, and manufactures. He estimated and tabulated the population, made surveys for and drew plans of harbors, and indicated prospective new sources of wealth and commerce. He criticised the local legislation and systems of judicature, pointing out evils to be suppressed and improvements to be made. In ecclesiastical affairs, though always with unconcealed partiality for the established Church of England, he was a zealous promoter of all schemes proposed by the national Church and State for encouraging morality and religion; he fearlessly animadverted upon the intolerance of the colonial hierarchy, and suggested methods for the relief of those who suffered by its oppression. On all occasions he cultivated the acquaintance of prominent men in the several colonies, with the view of selecting for royal preferment those who were in sympathy with the home administration or who were likely to be won over to the support of its measures.

In estimating the amount and variety of the literary work involved in his arduous and multifarious employments, it is difficult to fix a limit. At his decease, this mass of material was scattered throughout this country in the numerous places where he had transacted business. Within six months after his death, his successor, Colonel Robert Quarry, wrote from

Virginia to the Lords Commissioners of the Customs, informing them of this fact and promising "to *endeavor* to collect" his papers.

In view of the difficulty, as thus indicated, of the task of tracing the course of Randolph's life and labors, the neglect to undertake it is not surprising. But though the attempt to prepare an exhaustive biography is thus excusable, there would seem to be no justification for utterly neglecting one whose career had such an important influence in moulding the history of New England, nor for the failure to ascertain the simplest facts of his life. How, for instance, can we excuse Drake for following Eliot in declaring that Randolph died in the West Indies? Drake's book was published as late as 1882, and yet even Cotton Mather, who is usually poor authority in such cases, but who, as Randolph's contemporary, could not fail to keep trace of so conspicuous a figure, says, in 1724, that he has taken an "eternal farewell" of the "Blasted Wretch," as he amiably calls him in a paragraph in the "Parentator," concluding: "Anon he died in Virginia, and in such miserable circumstances that (as it is said) he had only two or three negroes to convey him to his grave." This designation of the place of his death is abundantly confirmed by contemporary authorities, and the date is given as April, 1703.

Randolph first appeared in New England, June 10, 1676, as messenger from the Lords of the Committee on Trade and Plantations, "to inspect the trade and state of New England, and report thereon." He came just as the war with the Narragansetts was at its height. About that time Sewall's diary contains numerous items of amazing news, from all quarters, of massacres by the Indians, and of movements of the colonial forces in pursuit of the enemy; yet, not deterred by fear of hostile savages, north or south, Randolph started for New Hampshire and Maine, — the border land of the dreaded Tarrentines, — and, returning, paid a visit to Plymouth Colony, which extended to the home of the Narragansetts. His departure seems to have been delayed only long enough to present his credentials to the Governor at Boston and to deliver letters commanding the colonial authorities to send agents to Whitehall to answer to the complaints of Mason and Gorges. This delay he improved by remonstrating to the local authorities against the open breaches

of the navigation acts which he observed in Boston Harbor. He returned to England September 10, 1676, having embarked on the thirtieth of July.

In December, 1679, having spent about two years in attendance at court to establish his charges against the Governor and Company of Massachusetts, he returned to New England, in the mean time losing at sea all his goods and household stuff shipped on another vessel which foundered, taking down with her a portrait of King Charles II. and a carving of the royal arms intended to be set up in New Hampshire in token of the compliance of that province with the terms of submission which as the king's representative he had offered the inhabitants during his former visit.

From New Hampshire, having settled affairs there to his liking, but against great opposition from the "Bostoneers," as he calls them, he proceeded to Boston. There he caused a commotion by seizing, by virtue of his commission from the Board of Customs at London, several vessels "with their loading," for violating the acts of trade. In the actions brought against him by the owners and claimants of these vessels and cargoes, he was cast; and in these and other suits he had the unhappiness of witnessing the entry of judgment for damages and costs against the king, and his own authority and the validity of the acts of trade openly contemned. This disheartening experience he found later to be a precedent which there was no prospect of annulling in the existing state of the courts with their independent juries. But not discouraged, he looked to England for ampler authority to override the obstacles which he had failed to remove by persuasion. Accordingly, having remained here somewhat more than one year, he again set sail for England, where he arrived March 15, 1680-1.

This brings us to the beginning (O. S.) of the year in which he returned with all the authority which he seems to have then thought necessary to secure full compliance with the statutes of the realm, the orders of the Privy Council, and the directions of the Commissioners of the Customs. This authority was conferred in letters patent, under the great seal of England constituting him Collector, Surveyor, and Searcher of Customs within the Colonies of New England, under the management of the Commissioners of Customs in London. This was a new office, especially erected for him, with a salary of £100 sterling,

which amount appears to have been doubled soon after. Under this commission he had authority to appoint deputies, and to exercise all the power, in matters pertaining to his office, that it was possible for the king to impart by virtue of the royal prerogative, short of a revocation of the colony charter.

With this commission he brought another, constituting him deputy to William Blathwayt recently appointed surveyor and auditor-general of all the king's revenues in America. These commissions to Blathwayt and his deputy were ordered to be recorded by the Secretary of the Colony, and are to be seen in the printed edition of the Colony records. The commission of Collector, etc., and the accompanying instructions, are not recorded here, nor do I find them given at length in Mr. Toppan's volumes. Some years ago, after long waiting in vain for copies of these and other papers in the custody of the clerks of the Public Record Office, I procured a copy of Randolph's commission out of the registers of the privy seals. It is dated the thirtieth of September in the thirty-third year of the reign of Charles the Second, and bears a memorandum showing that it was taken out on the fifteenth of the next month,—October, 1681. It was this commission that provoked the government of the Massachusetts Colony to defy openly the authorities at Whitehall: by declaring it inoperative without the ratification of the colonial government; by forbidding it to be read in court; by passing an ordinance making it a capital offence to act under it without their permission; and, finally, by arresting and imprisoning Randolph's deputies. Eighty years later, the patriots of the Province maintained substantially the same attitude towards the writs of assistance by which the Customs Officers of King George the Third sought to enforce the revenue acts of Parliament.

The date of Randolph's arrival with these commissions was December 17, 1681. On this voyage he brought out with him his second wife and the four daughters of his first wife, who died in 1679. Of the arrival of the family in Boston, Sewall and other contemporary writers take notice.

Although an order for his return to England by the first ship bound thither was given September 30, 1682, it did not reach him until two months later, and even then he seems to have found it inconvenient to lay aside his business for full

three months longer ; for it can hardly be supposed that no ship sailed from New England or New York during that interval, as he intimates. However, he departed, at length, early in April, arriving in England May 28, 1683, having in his custody, as a prisoner in irons, Edward Gove of New Hampshire, charged with high treason.

On this voyage, also, having carried with him the necessary proofs, Randolph procured a writ of *quo warranto* against the Massachusetts charter. His efforts to procure this writ which, despite of every effort on his part, failed for want of due return of service, seem to have consumed about two months of his time, so that it was not until August that he was ready to serve the writ. He now deliberated whether he could more seasonably and satisfactorily perform this service for the king by proceeding in an armed vessel of the navy, by which he might add dignity to his mission and inspire the factiously inclined of the colonists with a wholesome dread of the consequences of resistance, or on a merchantman, which was more likely to be sooner obtained. Unexpectedly the opportunity offered of his sailing in the *Rose* Frigate of twenty guns,—a prize taken from the Algerines, and newly fitted out for a voyage to the Bahama Islands.

This vessel was commanded by William Phips, a ship-carpenter and sailor who had lived some time in Boston, at which port, on his way to the Bahamas, he was now to call to take in his “diving tubs and other necessaries” to be used in recovering the sunken treasure which made him rich, won for him the honor of knighthood, and eventually led to his appointment as first governor of the Province of the Massachusetts Bay. Randolph arrived at Boston, October 26, 1683, with the intention of remaining not above three weeks ; but it was seven weeks before he embarked upon his return voyage, which lasted about two months, during which he encountered rough weather and again suffered the loss of all his goods. The first *quo warranto* having failed, as above mentioned ; another had to be procured, which, being faulty in form, was, in turn, abandoned, and a writ of *scire facias*, out of Chancery, which could be served in the realm, was substituted.

Neither his repeated losses, nor the delays he encountered at Whitehall, the Plantation Office, and the law offices of the crown, nor the failure of his successive attempts to circum-

vent or subdue the equally determined and more astute politicians of Massachusetts Bay, could drive him to despair.

Although, through the obstinacy of the New-England juries, who had learned that jurors are judges of the law as well as the fact, — a lesson well remembered at the time of the American Revolution, but which is wellnigh forgotten in our day, — he had not succeeded in replenishing the king's coffers nor in filling his own purse, he had gained in every move he had made for ampler authority and for efficient support from the crown. He was now on his way to final success. He had served the king's writ, and published and distributed two hundred copies of the king's declaration and proposals for conformity and submission. It only remained for him, he imagined, to make return of these proceedings, and ask for judgment, in order to have the fatal decree entered, and then to go back to New England triumphant in the retinue of the leader of an entirely new administration, independent of the freemen of the Colony and the local authorities, or as the bearer of a commission to one who would certainly accept the headship of a government founded upon the ruins of the old charter.

Whatever may be said against Randolph, it cannot be justly alleged that he was unfaithful to the king, or that he could be swerved from his duty, as he understood it, by the love of lucre or the lust of power. Nor have I seen any indication of his yielding to blandishment — although it is hardly conceivable that the temptation could have offered — or of his shirking an unwelcome duty by compromise or convenient sophistry.

In planning his campaign against the hostile magistracy at Boston he had evidently considered, and from time to time provided against, every contingency which might lead to such failures as had attended former efforts to curb and direct the New England colonists. He well recollected the failure of the King's Commissioners of 1665 to consummate the purpose for which they had been sent out. He understood the methods which had been resorted to, both in earlier and later times, to "avoid and protract," to raise issues, to contest every point, and to yield only upon compulsion — trusting for some fortunate accident to intervene for their relief, and, if successful, to try the assuaging effect of professions of loyalty, coupled with generous donations to the king, or liberal douceurs to the king's servants. He knew how, after the defeat of the Com-

missioners of 1665, the Privy Council had been mollified by the present of a ship-load of masts for the navy, and how the king's resentment had been appeased by a liberal subscription to purchase provisions for his starving fleet in the West Indies; by bountiful hospitality to the needy refugees from St. Christophers; and by the munificent collection taken up in Massachusetts for the relief and support of sufferers by the Great Fire in London. He remembered, too, that, meanwhile, one of the Commissioners had died; that another who had custody of the minutes of the commission on his return voyage to England was captured by the Dutch, who seized all his papers and refused to give them up; and that a third Commissioner miserably failed in his efforts to revive the commission, so that the ominous cloud passed off, and that thereafter no similar shadow hung over the colony, although for a long time anxiously apprehended, until his own career began.

Randolph was determined that his work should come to no such impotent conclusion. Like every other Englishman, he believed that no service was to be performed without compensation; but if the colonists had money to be employed to purchase political advantages, he thought he knew how to use it more directly for the king's profit and, incidentally, his own as the king's servant.

His shattered bark arrived at Plymouth, England, February 14, 1683-4. Here the business he had to transact, including the prosecution of the *scire facias*, and a voyage to Holland in November, 1684, kept him employed twenty-three months.

At length, all preparations being completed, he embarked January 20, 1685-6, on the *Rose* Frigate, which was again appointed for his transportation. With him, he says, he brought his "family," meaning, I suppose, his third wife, whom he married in England, in December, 1684, and their infant daughter, Sarah, since his other children, apparently, were at Boston in the custody of Samuel Shrimpton. And this recalls some tender incidents in his domestic affairs since his first coming over, which I do not find fully explained by Mr. Toppan, although in my haste I may have overlooked the reference. They were such as to move even the obdurate heart of Cotton Mather, who, in a letter to Major John Richards, November 9, 1682, writes of Randolph that the "poor man has been of later months very pittifully of it, by straits," men-

tioning, in particular, "that his wife now lyes near death as . . . we are prone to wish, her husband." From this we may infer that Randolph had other domestic troubles, and I cannot but surmise that one of these may have been the conduct of his daughter Jane, of whom, in committing his daughters Betty and Mary to the care of his friend Shrimpton, July, 1684, he writes: "Their sister Jane hath shewn them a very bad example, & is a lost child to me." Whatever this paternal lament may imply, it is a relief to find that Randolph remembered his "lost child" in his will, under the name of "Mrs. Williams." The wife died, December 3, 1682, with a heart broken, Randolph declares, by the ill treatment he received, but more likely by the calumnies which the poor, innocent woman was painfully aware were circulated against her character.

Besides his little family, his personal *impedimenta*, and his commissions as Secretary to the Governor and Council and Surveyor-General of Woods, etc., Randolph brought with him thirteen important documents, including an exemplification of the judgment against the charter, and the commission for a temporary government of New England by a council, of which Joseph Dudley was constituted President.

Thus far his triumph was complete. Plymouth Colony had surrendered without a contest, and she, as well as New Hampshire and Maine, was consolidated with Massachusetts in one territory and dominion under the name of New England. Dudley, whom Randolph had shrewdly proposed for the presidency in preference to any person not a native, was too deeply involved in the schemes of Randolph, and too well provided for in the apportionment of profits, to cause apprehension of any trouble from that quarter; and so from the accession to power of this able and imperious personage unhampered by the interference of a representative legislative body and surrounded by a council of advisers more or less complaisant, — now that they were freed from fear of the people from whom, however, they had been accustomed to receive unstinted adulation, — Randolph clearly saw that all obstacles to the literal fulfilment of his instructions were finally removed, and that pecuniary prosperity was assured for himself and for as many of his chosen associates as were needed to stifle factious opposition.

From this time began that new régime which, fortunately, came to an inglorious end by the accession of William III. and

the settlement of the crown upon the basis of the present Constitution of Great Britain.

The synopsis I have thus endeavored to give is an imperfect outline of the story presented in Mr. Toppan's volumes. He has marshalled his papers in chronological order, with a wealth of useful annotations that make his books extremely attractive to the general reader as well as most helpful to the student. This work supplies a long-felt want, and, taken in connection with the Andros Papers, will be found to lighten, considerably, the labors of profound explorers of the early history of New England from the date of the fall of the Colony charter of Massachusetts to the revolution which preceded the government of the Province. I cannot forbear remarking, however, that a work so abundant in materials of equal variety and importance is surely worthy of an exhaustive, synoptical index, which we may hope to see, eventually.

Randolph has been almost universally execrated in New England as a monster of tyranny and depravity, even by those who affect to admire Dudley, who shared equally in whatever guilt was involved in Randolph's subserviency to the king, and perhaps equally in the profits that accrued to the king's agents after the government of the Colony had been subverted in order to render those profits attainable. But he did not share Randolph's losses and disappointments during the years in which, as collector and surveyor, he was laboring with utmost zeal and fidelity to force the colonists to recognize, what he and Dudley both professed to believe in, — the paramount authority of Parliament.

It is to Randolph's credit that he enjoyed the confidence and friendship of men who were regarded by their contemporaries as of the very highest character. Perhaps no member of the home government was more kindly spoken of by such men as Governors Winthrop of Connecticut and Hinckley of Plymouth, and the foremost men of Massachusetts, than was William Blathwayt, who, as we have seen, while auditor-general, appointed Randolph his deputy in America; and the long-continued relations between these two friends appear to have been always entirely cordial.

Of Blathwayt I have elsewhere¹ published my opinion, and need not repeat it here further than to say that, though by the

¹ Province Laws, vol. vii., in note to resolve 1694-5, chapter 13.

strictest modern standards he may not wholly escape the suspicion of venality, he was intrusted with the most important public interests by more than one of the New England colonies, and managed them ably and to the entire satisfaction of his principals. In short, it would seem but fair to apply to Randolph the judicious criticism which Andros has received from Mr. Whitmore, and to conclude with him that "it is certainly but justice to an officer who filled so many important positions to the entire satisfaction of employers so different as James II. and William of Orange, to scrutinize with deliberation charges against his character and to insist upon undoubted evidence of his personal iniquities."

Among the insignia brought hither by Randolph in 1686 were ten flags bearing the national emblem,—the cross of St. George. These flags were to be raised over several forts designated in the order for their delivery from the ordnance stores. This was a most unwelcome innovation, for, except at the Castle, this flag had not been permitted to be displayed since Captain Endicott cut the cross from the ensign of the train-band at Salem. But now it was understood that its use by the militia in their trainings, and on government buildings and public vessels, was to be compulsory, and that it would be used in the ceremonies attending the inauguration of the new government.

The twenty-fifth of May was designated as the time for the formal assumption of government by the President and his Council. The militia were to be called out on parade, and the President was to be escorted from his house in Roxbury by the Boston troop. How far this programme was carried out Sewall leaves us to conjecture, and Mr. Toppan seems not to have been able to gather further details. That at least one captain of militia from the Essex regiment was on the ground is intimated by Sewall, but he does not conceal the fact that there was great discontent among the people and the rank and file, insomuch that an order was passed to warn the companies by the corporals, *viva voce*, instead of rallying them by the drum; and finally this grand demonstration seems to have been abandoned, Sewall intimating that even the proposed escort of the President was given up.

Preparatory to a later occasion, however, it was necessary that flags should be made, and Sewall actually purchased and

brought home silk for that purpose; this was the general training in August. But as the time drew near, the thought that these flags were to be displayed before the people with his sanction seems to have filled him with remorse at having had any part in honoring a papal emblem, which next to periwigs, if not before them, he abhorred.¹ He confessed his scruples to the President and the clergy, shifted the responsibility upon one of his subalterns, and finally tendered the surrender of his commission. But the flag had come to stay. It was used on land and sea in Phips's campaigns against Port Royal and Quebec, before the arrival of the Province charter, and thenceforth, throughout the provincial period, and even during the early stages of the Revolutionary War. This was Randolph's final and least transitory triumph.

Dr. SAMUEL A. GREEN communicated a contemporary manuscript copy of the result of a council held at Groton in 1712, to consider the troubles between the church in that place and its minister, Rev. Dudley Bradstreet, and said:—

The following paper, recently brought to light, gives about the only information we have of an Ecclesiastical Council, held at Groton, on April 15, 1712, which was called to consider the troubles between Mr. Bradstreet, the minister, and the church. The exact nature of the complaints then made by his parishioners is not known, but from the answers to some of the charges, their general character may be surmised. It has been thought that the troubles grew out of Mr. Bradstreet's Episcopal tendencies, but by the light of the manuscript this theory seems untenable. The paper itself is not

¹ From that apparently inexhaustible repertory of curious memoranda, the Winthrop Collection, Mr. Robert C. Winthrop, Jr., has sent me, among other interesting documents, the orders of the day for the training and sham-fight which took place in August. To this I may call attention more particularly at some future meeting, it being the only instance I have met with of a paper of this kind.

Sewall's antipathy to the cross seems never to have been overcome. More than twenty years after these events and after the flag was universally adopted and the vulgar prejudice against it forgotten, he wrote a Latin distich on the burning of the "Quebec cross," in which he calls it "*Crux atrox*," and adds, "*Ipsa salus fallax igne probata perit*." This distich he thus turns into an English quatrain:—

"The bawdy bloody Cross, at length

Was forced to taste the flame:

The cheating Saviour, to the fire

Savoury food became." — *Diary*, II. 143.

the original report of the Council, but a contemporaneous copy of the same. Both from the style of writing and from the spelling it appears to be in the hand of Jonas Prescott, an inhabitant of Groton, who at that period was prominent in the affairs of both church and town. While he may have been illiterate himself, like most men of his times, and unused to scholarly ways, he became the ancestor of a long line of families distinguished in many different walks of life.

The Council consisted of five ministers or elders, and nine lay delegates or messengers. The ministers were the Rev. Grindall Rawson, of Mendon, who acted as Moderator of the Council; Rev. John Hancock, of Lexington, grandfather of the Signer; Rev. Joseph Baxter, of Medfield; Rev. John Swift, of Framingham; and Rev. John Prentice, of Lancaster. The messengers were Thomas Wilder and John Houghton, of Lancaster; Samuel Stone and Joseph Bowman, of Lexington; Jonathan Boyden and Samuel Roocit (Rockwood), of Medfield; David Ryse (Rice) and Joshua Hemenway, of Framingham; and John Tyler, of Mendon.

At a Councel of fve Churches Called by y^e Reud mr dudly brodstret and the disatisfied bretherin of the Church of Crist in Groton & held in sd Groton April 15: 1712 refering to the un hapy differince between them wee the subscribers Conuened at the time and plase aboue sd & hauing Earnstly Implored the help of all mity God and herd & Examined Euedinces and allagations one all sids do aduise and determin as foloueth

Impremise or Impmy That the aduise tack plase as to the furst articol in the Charge which the reuernt Eldrs which were with them in nouembr y^e [date omitted] 1710 did giue them namly that nither mr brodstret nor others should insist one the charges mad by them that could not be mad out Concidring the ouer of temtation thay were in & that a contry corse mit haue a tendencey to Cast them in to further and grater confusions

II as to thee woord raysing in y^e 2 articoll the sudscribers to the charge desiered it mit be with drawne as to mr brodstrets reporting the story refered to in the sd Charge mr brodstret has giuen ampel satisfaction partickerly to Thomas Tarboll iuner y^e parson Imedatly Concerned and the 4 brethren whoo sined the sd Charge publicly de clared them selues satisfied

III Concidring y^e unaccountabol parplexity and Contridixon of Euedinces refering to y^e 3^d articol uise y^e charge layed against mr

brodstret for abominadle Cariage towherds towerds [*sic*] the wife of Samuell Keemp wee are not aboll to de termin for the present one which side the truth lyes & there fore shall leue it to farther concidration untill wednsday y^e 18 day of June next insuing at malbray unto which time and place we do agorne the councel hoping that thare may bee sumthing more of lite by that time gained by the help of which wee may be Enabled to pas to a more full determintion

IIII whers the reuorant mr brodstret is Charged with Immodst actions at the house of Sameuell Commine one a satudday night we find the Euediucies in that Case so Conuycetine that we determin it to be mr brodstrets duty to submit to the Euidences and mack satisfaction according to gospell rull

V the fifth and sixt artcils in the Charges Exhidited to us ware re-

VI caled by the disatisfyed brethren them selues & therefore we find no reson to tack it in to our thouts too determin any thing apone them

we cannot but Expres the grat & afflicttiue sence we haue of the lamantabl condison ouer beloued brethren are in & of the sufering state of religion among them by reson of the long contineued and Exerciseing diferences & diuesions where bey their pese and quieat haue bin ob structed & it is with Extreme sorou and affliction of sperit wee be hould the diffrences arision be twene y^e reurend mr dud brodstret and the disatisfied brethren and other inhabintence be come so wide & grate as for bid us to hope for such reconciliation betwene them as may of fer a prouibel prospect of the con tinuance of the relation thay stand in Each to other comfortablle to either and do therefore beleue it to be y^e most hopefull Expedaent to their peece and comfort that the Church of Crist and in haditance of Groton do frely Consent that the reurend mr dudly bradstt may re moue from them & wee beleue it will Conduse to his oune Comfort to exsept that liberty when aloued him : wee funder ad that in order to his pesoble remoue from them it is their duty to maintaine a Du regard to his iust rits according to thare a greement with hime upone his setlement with them in the pastorl offise whilst this be dune wee cannot supepose thay will dell iustly with him nor comfortably for them selues & to y^r prouiding to a nu settlement finely we Judge it the duty of paster and pepel to humbell them selues under the the [*sic*] ueru sever and Just & holy prouidence of God in per miting saton the Enemy of souls so long to inuad & imbors thare peece & to be uery lawfull to in quier into the causes of God anger & holy indignation manifest in so sore & humdling a dispershon of prouidence touerds them and we beleue it their duty to beg that God would shou to Euery of them where in thay haue dun a mis to be waill it be fore God & to ask importnatly his pardoning marsey throu the bloud of a gratus & all mity redemer to hear the falt of these misers of iniquitys which cannot be by ouer most thout full & Cristell

Endeuers Come att lyes where not able to determin but the holy god is the sercher of all harts beleue it tis the dudy of all parsons concerned to consider it and to act acording ly that thay may not liue and dye with out indeuers af ter reconceilaton to God in order to y^e ob taining for giuenes it shall be ouer prayer to god that thay may in gods time which the lord in marsey hasen see a comfortadl eshue of all thare trobles one the account of which thay haue bin grat thoughts & serching of harts we pray that ouer endeuers touers bringing one of such an ishue may be Exceptable to god whose presence we haue desiered & whoos rules we haue acordingly to ouer light a lowed & to thos whoo here Desiered ouer presens with thaare and ouers result one the perticulers laid before us whome we recomend to the mersefull fauer & Conduct of gracous God and subscrid ouer selues youre serunts for Crists sack

grindall roson mod
 John hancock
 Josef baxter
 John Swift
 John Prentis
 Thomas Wilder
 John houton
 Sameuel Stoon
 Jonathan boydon
 Dauid Ryse mesengers
 Sameuell roocit
 Josheuh hemingway
 Joseph bowman
 John Tyeler

[Indorsed] the ad uis. of a Counsill of eldrs & mesingers

According to the answer given to the third Article, the Council adjourned to meet at Marlborough, on June 18, 1712. While there is no record extant of what was then done at this adjourned meeting, the general result of the proceedings, and the action of the town thereon, may be gathered from the following entries in the Groton town-records (page 24) :—

Whereas at A Metting of the Reu^d Elders & messengers lately conuened At Grotton april 15 1712 & at the meting of said Reu^d Elders & messengers at Malbrô June 18^o 1712 upon adiournmen Aduice hath been giuen to the Reu^d M^r dudley Bradstret Pastor of the church in Grotton & to the church of Christ there that the s^d church & town should forthwith proseed to dismis the said M^r Bradstret from his office bond & Relation to them as the most probable expedient in their Judgment to promote their peace & comfort

In pursuance of the aboue specified Aduice the church of Christt In Grotton declare and It is uoted that the Reud M^r dudley Bradstret is dismissed from & is discharged of his pastorall Relation & office Obligation to the church of Grotton uoted also that our Bretheren capt prescot simon stone Jonas prescot ir be desiered & are impowred to present the aboue written uotes of the church to the Inhabitanes of the town of Grotton for thair concurrence & to joyn with such person or persons as the town shall appoint to presant these uots & the towns concurrence therewith to the Rued M^r Bradstret

GROTTON July 22 1712

At a Meting of the Inhabitants of the town of Grotton legalley warned to consider certain uotes of the church of Christ in Grotton Refaring to their discharging the Reud: M^r dudley Bradstret from his Pastorall Relation to tham & his office bond to sd church = uoted that the town doth concur with the uots of the church refering to M^r brodstrets dismission as a boue expresed & that the Inhabitants of sd Grotton doe release the sd M^r Bradstret from the Relation he stands in to them as their minister

uoted also that Nathanill Woods Ephrim Parc with capt prascot simon ston Jonas Prascot ir Chosen by the church to present the uotes to the town at this presant meeting of the Inhabitants be a commitey on the behalf of the town to presant the uots of the church & town to the Reud M^r Bradstre

GROTTON July 24

Dr. Green also communicated, in behalf of the Hon. FRANCIS C. LOWELL, the memoir of the late Francis A. Walker, which Judge Lowell had been appointed to prepare for publication in the Proceedings.



MEMOIR
OF
FRANCIS A. WALKER, LL.D.

BY FRANCIS C. LOWELL.

FRANCIS AMASA WALKER became a member of this Society in May, 1883. In electing him, the Society included in its membership a student whose direct contribution to the history of America was of high value, but whose life was not the life of an historian, and whose great reputation was chiefly gained by his fruitful labors in fields which lie beside that of history. The complete biography of General Walker is not to be looked for in the memoirs of an historical society; our record of him is properly brief.

His forbears in the male line lived in Massachusetts from the beginning. Captain Richard Walker, his ancestor in the eighth generation, was active in the church and town of Lynn, and was a member both of the Honorable Artillery Company of London and of the Ancient and Honorable Artillery Company of Boston. General Walker's great-grandfather, Phineas Walker, who served the country under Wolfe in the French War and in the Revolution under Ethan Allen, moved to Brookfield. Walter, son of Phineas, went to North Brookfield. Amasa (born May 4, 1799, and died October 29, 1875), the son of Walter Walker and Priscilla Carpenter, was a distinguished man. Deprived of a college education by ill health, he bought out a country store, carried it on successfully, advanced to larger undertakings, moved to Boston, and so prospered that when forty years old he was able to retire from business with a modest competence. Even while engaged in active business, Mr. Walker gave much of his time to public matters, and after his retirement labored indefatigably to bring about the abolition of slavery by constitutional means

and to substitute arbitration for war. In 1857 he began the publication of articles on political economy, and, according to his son's statement, from that time "until the day of his death, the subject of the currency remained the most absorbing of all which had previously engrossed his mind, and his interest increased with the passage of time." His principal work, "The Science of Wealth," was published in 1866, and was marked by "the profusion of illustrations drawn from practical affairs."

On June 23, 1834, Amasa Walker married Hannah Ambrose, of Concord, New Hampshire. Francis Amasa, their son, was born July 2, 1840, in North Brookfield, where he was brought up and educated in the public schools. A fellow-pupil, two or three years his senior, who never saw him after his boyhood, kept fresh for nearly fifty years the memory of his personal charm and affectionate nature as a school-boy. He fitted for college at Leicester Academy and at Lancaster, entered Amherst College and was graduated in 1860. From college, he went to the study of the law in the office of Charles Devens and George F. Hoar in the city of Worcester. The War of the Rebellion broke out a few months later, and Walker enlisted as private in the 15th Massachusetts Regiment, of which Devens was colonel. He was the perfect type of a volunteer. Beginning in the ranks and earning rapid promotion by zeal, intelligence, industry, and courage, he was soon called to undertake weighty duties which he discharged successfully. He was private and Sergeant-Major in the 15th Massachusetts Volunteers from August 1, 1861; Captain and Assistant Adjutant-General, September 14, 1861; Major and Assistant Adjutant-General, August 11, 1862; Assistant Adjutant-General of the Second Army Corps with the rank of Lieutenant-Colonel, January 1, 1863; Brevet-Colonel, August 1, 1864; Brevet-Major-General, March 13, 1865. His service was principally that of a staff officer. The Peninsula Campaign he made with General Couch and General Keyes; in the autumn of 1862 he joined the Second Corps, serving upon the staff of Generals Sumner, Couch, Warren, and Hancock. He was wounded at Chancellorsville, and captured at Reams Station.

At the close of the war General Walker did not return to the study of the law, but began again his civil life as a teacher.

He lectured on political economy at Amherst College in 1865. In the same year he became what was called a "middle class teacher" in Williston Seminary at Easthampton, and taught with success Latin, Greek, and mathematics. In March, 1868, he left Williston, entered the employ of the "Springfield Republican," and wrote about two-thirds of its editorial matter until January, 1869, when, on the advice of David A. Wells, then Special Commissioner of the Revenue, he was called to Washington. There he was made Deputy Special Commissioner, and was placed in charge of the Bureau of Statistics; in 1870 he was appointed Superintendent of the Ninth Census.

As Superintendent of the Census, he made a reputation both national and international. His admirable plan for taking the Ninth Census was rejected by Congress, but even with the poor machinery assigned to him, his ingenuity and executive ability obtained respectable results. While still Superintendent of the Census, he was in 1871 appointed Commissioner of Indian Affairs, and in the Indian Bureau did good though brief service.

At this time it is probable that General Walker's abounding vitality and great versatility made him welcome, rather than deplore, a frequent change of occupation. In 1872 he left Washington on his appointment as professor of political economy and history in the Sheffield Scientific School. Thus for the first time he became connected with schools of industrial science, to which he afterwards gave his devoted service, and which he greatly developed and fostered. His own chosen study, political economy, has no intimate relation with these schools, but is traditionally connected with academic education. Had he received and accepted a call to the academic department of Yale or Harvard, as might naturally have happened, perhaps he would never have come to the Institute of Technology, and he might have died an academic professor or president without having rendered his inestimable services to education in industrial science. While the academic university would have been fortunate which had obtained him as teacher or administrator, for the community it was better that his services should be secured for the newer field. While at New Haven, he was a member of the School Committee of the city from 1877 to 1880, and of the Board of Education of Connecticut from 1878 to 1881. In 1876 he was chief

of the Bureau of Awards for the Centennial Exhibition in Philadelphia.

Although living in New Haven, General Walker remained Superintendent of the Ninth Census, and was later appointed Superintendent of the Tenth. In taking the census of 1880 he was allowed to choose his methods more freely than in 1870, and so he achieved results much more satisfactory. His successor, Mr. Carroll D. Wright, a most competent judge, has said that "he blazed the way for all who should come after him"; and that the census of 1880 was "the most valuable contribution to the body of statistics furnished by any country up to its date."

In May, 1881, in the midst of his superintendence of the census, General Walker was chosen third President of the Massachusetts Institute of Technology. This institution, founded in 1865, had already gained an honorable standing, but was in a somewhat critical condition, as the number of its students was considerably less than it had been six or eight years before. To the welfare of the Institute General Walker devoted himself for the rest of his life. His great executive ability enabled him to administer its affairs efficiently; his personal charm made his administration acceptable to corporation, faculty, and students alike, and his great reputation added distinction to his office. Under him the number of buildings increased from one to five, of professors, teachers, and lecturers from thirty-nine to one hundred and fifty-three, of students from about three hundred to about twelve hundred.

General Walker believed the proper functions of a school of applied science to be very broad. With the warmth of personal feeling which he brought to the discussion of all matters in which he was interested, he defended the intellectual worth of scientific and technical education, and claimed for the Institute a dignity equal to that of academic colleges and universities. At the same time he made technical education include much that is generally called liberal.

In December, 1894, he wrote as follows: —

"Merely for business success, in the most distinctly technical profession, philosophical studies are of great importance. In none of the higher walks of life does it ever cease to be more the question how much of a man one is than how much he knows of his special business. And this is even more distinctly true in the engineering profession, for

example, than in the law. A great lawyer is generally a great man, but he need not be. There is a melancholy abundance of instances to the contrary. But a great engineer must be a great man. All great engineers, according to the testimony of those who knew them, have been great men.

“My contention is, therefore, not against the introduction of liberal studies, upon the most liberal scale, whether for cultivation or as a means to subsequent professional success, but only against the assumption that liberal studies must, to secure the best effect, be pursued with a special degree of liberty of choice and with leisuress of effort. On the contrary, I should be disposed to hold that *liberal studies should be severely pursued*; and that, for the highest results, the more liberalizing the tendency of any intellectual exercise, the more it is to be desired that it should be followed out with energy, with closeness of application, with punctiliousness of performance, with careful scrutiny of the results obtained.

“Those professional schools will best accomplish their strictly technical purposes which send their graduates out into the world with broad, well-balanced minds; with the faculty of judgment strengthened by the mastery of principles more than by the acquisition of information; with temperaments chastened to the true union of conservatism and enterprise by study of the best examples from practice; and even with fine tastes and high aspirations.”¹

It is impossible in this memoir to describe General Walker's studies and publications in political economy. As a political economist, he was even better known than as the chief executive of a great educational institution, the latter an officer who is exclusively both modern and American. While he was in college he began to write seriously, and he wrote almost without interruption until his death. Between 1882 and 1893 his bibliography contains some thirty titles of books, essays, and articles devoted to political economy, exclusive of ten titles pertaining to the census and to statistics. Among his principal works were “The Wages Question” (1876), “Money” (1878), “Political Economy” (1883), “International Bimetallism” (1896). As has been said by our associate Professor Dunbar, “His varied experience and wide acquaintance with men had made him in a large sense a man of affairs. He watched the great movements of the world, not only in their broad relations, but as they concern individuals. He was apt to treat economic tendencies, therefore, not only in their

¹ Educational Review, December, 1894.

abstract form, but also as facts making for the happiness or the injury of living men. Economic law was reasoned upon by him in much the same way as by others, but he never lost his vivid perception of the realities among which the law must work out its consequences. In his pages, therefore, theory seemed to many to be a more practical matter and nearer to actual life than it is made to appear by most economists. His words seemed to carry more authority, his illustrations to give more light, the whole science to become a lively exposition of the trend and the side movements of a world of passion and effort. A great English economist has said that Walker's explanation of the services rendered by the *entrepreneur* remind one of passages of Adam Smith. A great service has been rendered to the community by the writer who, in our day, has been able thus to command attention to political economy as a discussion belonging to the actual world."¹ In 1886 General Walker published the "History of the Second Army Corps in the Army of the Potomac," in 1894 "General Hancock," in 1895 "The Making of the Nation (1783-1817)."

In the last year of General Walker's life occurred the presidential election of 1896. His attitude toward it was characteristic. Utterly opposed to the remonetization of silver by the United States alone, as urged by Mr. Bryan, still more opposed, if possible, to the other political doctrines of Mr. Bryan's supporters, he yet felt that it was his duty to testify against the policy of gold monometallism advocated by many of the supporters of Mr. McKinley. That the Democratic candidate was unpopular with nearly all the men whose opinion General Walker valued, made more emphatic his testimony to the financial mistakes — as he deemed them — which had made the Democratic platform a possibility. His course may have been politically unwise, and somewhat removed from the calm of scientific discussion, but it was inevitable to one of his generous character. He was always ready to find excuses for the errors of the weaker side.

His reputation was very great, both in America and in Europe. He was President of the American Statistical Association, Vice-President of the National Academy of Sciences, President of the American Economic Association, member of the American Academy of Arts and Sciences, and Corresponding Member of the French Institute. He received honorary

¹ Quarterly Journal of Economics, July, 1897.

degrees from Harvard, Yale, Amherst, Columbia, Dublin, St. Andrews, and Halle.

While discharging with remarkable energy his administrative duties in New Haven, Washington, and Boston, in the midst of his labors as a student and a writer, General Walker accepted other public offices, many of them but slightly related to industrial teaching or economic science. He was a member of the Massachusetts Board of Education from 1882 to 1890, and of the School Committee of Boston from 1885 to 1888. From 1884 to 1890 he was Commissioner of the Massachusetts Topographical Survey, and from 1890 to 1896 one of the Park Commissioners of Boston. A few months before his death he became a trustee of the Boston Public Library. His public spirit and his physical and mental vitality were so abounding that he seemed constitutionally unable to refuse an opportunity of public service. He had, indeed, the faults of his temperament. Though he broke down under his incessant labors, he was not always able to discharge as he wished the duties he undertook. His reputation might have gained if he had somewhat limited his undertakings, but to his generosity limitation was impossible. Happily for him, "No pale gradations quenched his ray." He was found dead in his bed on the morning of January 5, 1897. A blood-vessel had burst on the brain during the night.

The shortest notice of General Walker would be incomplete if it contained no mention of his wonderful personal charm. Every man who met him, though a mere acquaintance, felt himself the possessor of General Walker's personal friendship. The feeling was produced without insincerity or exaggeration. General Walker had a sympathy with men so universal that every individual he saw did have for him an individual interest. This trait, which endeared him to men of all ages, conditions, and pursuits throughout the United States, and to many Europeans, gave him a great and salutary influence over the students of the Institute, to whom his relations were more personal than would be supposed possible in the case of an institution so large, carried on in the centre of a large city.

On August 16, 1865, he married Exene, eldest daughter of Timothy Morgan Stoughton. His widow and seven children, Stoughton, Lucy, Ambrose, Francis, Evelyn, Etheredge, and Stuart, survive him.